The Complete Works of Lewis Henry Morgan

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This collection includes the following:
Ancient Society
Houses and House-Life of the American Aborigines

ANCIENT SOCIETY

CHAPTER I. - ETHNICAL PERIODS.

Progress of Mankind from the Bottom of the Scale.—Illustrated by Inventions Discoveries and Institutions.—Two Plans of Government—one Gentile and Social, giving a Society, (*Societas*); the other Political, giving a State, (*Civitas*).—The former founded upon Persons and Gentilism; the latter upon Territory and Property.—The First, the Plan of Government of Ancient Society.—The Second, that of Modern or Civilized Society.—Uniformity of Human Experience.—Proposed Ethnical Periods—I. Lower Status of Savagery; II. Middle Status of Savagery; III. Upper Status of Savagery; IV. Lower Status of Barbarism; V. Middle Status of Barbarism; VI. Upper Status of Barbarism; VII. Status of Civilization.

The latest investigations respecting the early condition of the human race, are tending to the conclusion that mankind commenced their career at the bottom of the scale and worked their way up from savagery to civilization through the slow accumulations of experimental knowledge.

As it is undeniable that portions of the human family have existed in a state of savagery, other portions in a state of barbarism, and still other portions in a state of civilization, it seems equally so that these three distinct conditions are connected with each other in a natural as well as necessary sequence of progress. Moreover, that this sequence has been historically true of the entire human family, up to[Pg 4] the status attained by each branch respectively, is rendered probable by the conditions under which all progress occurs, and by the known advancement of several branches of the family through two or more of these conditions.

An attempt will be made in the following pages to bring forward additional evidence of the rudeness of the early condition of mankind, of the gradual evolution of their mental and moral powers through experience, and of their protracted struggle with opposing obstacles while winning their way to civilization. It will be drawn, in part, from the great sequence of inventions and discoveries which stretches along the entire pathway of human progress; but chiefly from domestic institutions, which express the growth of certain ideas and passions.

As we re-ascend along the several lines of progress toward the primitive ages of mankind, and eliminate one after the other, in the order in which they appeared, inventions and discoveries on the one hand, and institutions on the other, we are enabled to perceive that the former stand to each other in progressive, and the latter in unfolding relations. While the former class have had a connection, more or less direct, the latter have been developed from a few primary germs of thought. Modern institutions plant their roots in the period of barbarism, into which their germs were transmitted from the previous period of savagery. They have had a lineal descent through the ages, with the streams of the blood, as well as a logical development.

Two independent lines of investigation thus invite our attention. The one leads through inventions and discoveries, and the other through primary institutions. With the

knowledge gained therefrom, we may hope to indicate the principal stages of human development. The proofs to be adduced will be drawn chiefly from domestic institutions; the references to achievements more strictly intellectual being general as well as subordinate.

The facts indicate the gradual formation and subsequent development of certain ideas, passions, and aspirations. Those which hold the most prominent positions may be generalized[Pg 5] as growths of the particular ideas with which they severally stand connected. Apart from inventions and discoveries they are the following:

I. *Subsistence*,
II. *Government*,
III. *Language*,
IV. *The Family*,
V. *Religion*,
VI. *House Life and Architecture*,
VII. *Property*.

First. Subsistence has been increased and perfected by a series of successive arts, introduced at long intervals of time, and connected more or less directly with inventions and discoveries.

Second. The germ of government must be sought in the organization into gentes in the Status of savagery; and followed down, through the advancing forms of this institution, to the establishment of political society.

Third. Human speech seems to have been developed from the rudest and simplest forms of expression. Gesture or sign language, as intimated by Lucretius,1 must have preceded articulate language, as thought preceded speech. The monosyllabical preceded the syllabical, as the latter did that of concrete words. Human intelligence, unconscious of design, evolved articulate language by utilizing the vocal sounds. This great subject, a department of knowledge by itself, does not fall within the scope of the present investigation.

Fourth. With respect to the family, the stages of its growth are embodied in systems of consanguinity and affinity, and in usages relating to marriage, by means of which, collectively, the family can be definitely traced through several successive forms.

Fifth. The growth of religious ideas is environed with such intrinsic difficulties that it may never receive a perfectly satisfactory exposition. Religion deals so largely with the imaginative and emotional nature, and consequently with such uncertain elements of knowledge, that all primitive religions are [Pg 6]grotesque and to some extent unintelligible. This subject also falls without the plan of this work excepting as it may prompt incidental suggestions.

Sixth. House architecture, which connects itself with the form of the family and the plan of domestic life, affords a tolerably complete illustration of progress from savagery to civilization. Its growth can be traced from the hut of the savage, through the communal houses of the barbarians, to the house of the single family of civilized nations, with all the successive links by which one extreme is connected with the other. This subject will be noticed incidentally.

Lastly. The idea of property was slowly formed in the human mind, remaining nascent and feeble through immense periods of time. Springing into life in savagery, it required

all the experience of this period and of the subsequent period of barbarism to develop the germ, and to prepare the human brain for the acceptance of its controlling influence. Its dominance as a passion over all other passions marks the commencement of civilization. It not only led mankind to overcome the obstacles which delayed civilization, but to establish political society on the basis of territory and of property. A critical knowledge of the evolution of the idea of property would embody, in some respects, the most remarkable portion of the mental history of mankind.

It will be my object to present some evidence of human progress along these several lines, and through successive ethnical periods, as it is revealed by inventions and discoveries, and by the growth of the ideas of government, of the family, and of property. It may be here premised that all forms of government are reducible to two general plans, using the word plan in its scientific sense. In their bases the two are fundamentally distinct. The first, in the order of time, is founded upon persons, and upon relations purely personal, and may be distinguished as a society (*societas*). The gens is the unit of this organization; giving as the successive stages of integration, in the archaic period, the gens, the phratry, the tribe and the confederacy of tribes, which constituted a people or nation (*populus*). At a[Pg 7] later period a coalescence of tribes in the same area into a nation took the place of a confederacy of tribes occupying independent areas. Such, through prolonged ages, after the gens appeared, was the substantially universal organization of ancient society; and it remained among the Greeks and Romans after civilization supervened. The second is founded upon territory and upon property, and may be distinguished as a state (*civitas*). The township or ward, circumscribed by metes and bounds, with the property it contains, is the basis or unit of the latter, and political society is the result. Political society is organized upon territorial areas, and deals with property as well as with persons through territorial relations. The successive stages of integration are the township or ward, which is the unit of organization; the county or province, which is an aggregation of townships or wards; and the national domain or territory, which is an aggregation of counties or provinces; the people of each of which are organized into a body politic. It taxed the Greeks and Romans to the extent of their capacities, after they had gained civilization, to invent the deme or township and the city ward; and thus inaugurate the second great plan of government, which remains among civilized nations to the present hour. In ancient society this territorial plan was unknown. When it came in it fixed the boundary line between ancient and modern society, as the distinction will be recognized in these pages.

It may be further observed that the domestic institutions of the barbarous, and even of the savage ancestors of mankind, are still exemplified in portions of the human family with such completeness that, with the exception of the strictly primitive period, the several stages of this progress are tolerably well preserved. They are seen in the organization of society upon the basis of sex, then upon the basis of kin, and finally upon the basis of territory; through the successive forms of marriage and of the family, with the systems of consanguinity thereby created; through house life and architecture; and through progress in usages with respect to the ownership and inheritance of property.

The theory of human degradation to explain the existence[Pg 8] of savages and of barbarians is no longer tenable. It came in as a corollary from the Mosaic cosmogony, and was acquiesced in from a supposed necessity which no longer exists. As a theory, it is not only incapable of explaining the existence of savages, but it is without support in the facts of human experience.

The remote ancestors of the Aryan nations presumptively passed through an experience similar to that of existing barbarous and savage tribes. Though the experience of these nations embodies all the information necessary to illustrate the periods of civilization, both ancient and modern, together with a part of that in the Later period of barbarism, their anterior experience must be deduced, in the main, from the traceable connection between the elements of their existing institutions and inventions, and similar elements still preserved in those of savage and barbarous tribes.

It may be remarked finally that the experience of mankind has run in nearly uniform channels; that human necessities in similar conditions have been substantially the same; and that the operations of the mental principle have been uniform in virtue of the specific identity of the brain of all the races of mankind. This, however, is but a part of the explanation of uniformity in results. The germs of the principal institutions and arts of life were developed while man was still a savage. To a very great extent the experience of the subsequent periods of barbarism and of civilization have been expended in the further development of these original conceptions. Wherever a connection can be traced on different continents between a present institution and a common germ, the derivation of the people themselves from a common original stock is implied.

The discussion of these several classes of facts will be facilitated by the establishment of a certain number of Ethnical Periods; each representing a distinct condition of society, and distinguishable by a mode of life peculiar to itself. The terms “Age of *Stone*,” “of *Bronze*,” and “of *Iron*” introduced by Danish archæologists, have been extremely useful for certain purposes, and will remain so for the classification of objects of ancient art; but the progress of knowledge has rendered[Pg 9] other and different subdivisions necessary. Stone implements were not entirely laid aside with the introduction of tools of iron, nor of those of bronze. The invention of the process of smelting iron ore created an ethnical epoch, yet we could scarcely date another from the production of bronze. Moreover, since the period of stone implements overlaps those of bronze and of iron, and since that of bronze also overlaps that of iron, they are not capable of a circumscription that would leave each independent and distinct.

It is probable that the successive arts of subsistence which arose at long intervals will ultimately, from the great influence they must have exercised upon the condition of mankind, afford the most satisfactory bases for these divisions. But investigation has not been carried far enough in this direction to yield the necessary information. With our present knowledge the main result can be attained by selecting such other inventions or discoveries as will afford sufficient tests of progress to characterize the commencement of successive ethnical periods. Even though accepted as provisional, these periods will be found convenient and useful. Each of those about to be proposed will be found to cover a distinct culture, and to represent a particular mode of life.

The period of savagery, of the early part of which very little is known, may be divided, provisionally, into three sub-periods. These may be named respectively the *Older*, the *Middle*, and the *Later* period of savagery; and the condition of society in each, respectively, may be distinguished as the *Lower*, the *Middle*, and the *Upper Status* of savagery.

In like manner, the period of barbarism divides naturally into three sub-periods, which will be called, respectively, the *Older*, the *Middle*, and the *Later* period of barbarism; and the condition of society in each, respectively, will be distinguished as the *Lower*, the *Middle*, and the *Upper Status* of barbarism.

It is difficult, if not impossible, to find such tests of progress to mark the commencement of these several periods as will be found absolute in their application, and without exceptions upon all the continents. Neither is it necessary, for the purpose in hand, that exceptions should not exist. It will be[Pg 10] sufficient if the principal tribes of mankind can be classified, according to the degree of their relative progress, into conditions which can be recognized as distinct.

I. *Lower Status of Savagery.*

This period commenced with the infancy of the human race, and may be said to have ended with the acquisition of a fish subsistence and of a knowledge of the use of fire. Mankind were then living in their original restricted habitat, and subsisting upon fruits and nuts. The commencement of articulate speech belongs to this period. No exemplification of tribes of mankind in this condition remained to the historical period.

II. *Middle Status of Savagery.*

It commenced with the acquisition of a fish subsistence and a knowledge of the use of fire, and ended with the invention of the bow and arrow. Mankind, while in this condition, spread from their original habitat over the greater portion of the earth's surface. Among tribes still existing it will leave in the Middle Status of savagery, for example, the Australians and the greater part of the Polynesians when discovered. It will be sufficient to give one or more exemplifications of each status.

III. *Upper Status of Savagery.*

It commenced with the invention of the bow and arrow, and ended with the invention of the art of pottery. It leaves in the Upper Status of Savagery the Athapascan tribes of the Hudson's Bay Territory, the tribes of the valley of the Columbia, and certain coast tribes of North and South America; but with relation to the time of their discovery. This closes the period of Savagery.

IV. *Lower Status of Barbarism.*

The invention or practice of the art of pottery, all things considered, is probably the most effective and conclusive test that can be selected to fix a boundary line, necessarily arbitrary, between savagery and barbarism. The distinctness of the two conditions has long been recognized, but no criterion of progress out of the former into the latter has hitherto been brought forward. All such tribes, then, as never attained to the art of pottery will be classed as savages, and those possessing this art but who never attained a phonetic alphabet and the use of writing will be classed as barbarians.

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The first sub-period of barbarism commenced with the manufacture of pottery, whether by original invention or adoption. In finding its termination, and the commencement of the Middle Status, a difficulty is encountered in the unequal endowments of the two hemispheres, which began to be influential upon human affairs after the period of savagery had passed. It may be met, however, by the adoption of equivalents. In the Eastern hemisphere, the domestication of animals, and in the Western, the cultivation of maize and plants by irrigation, together with the use of adobe-brick and stone in house building have been selected as sufficient evidence of progress to work a transition out of the Lower and into the Middle Status of barbarism. It leaves, for example, in the Lower Status, the Indian tribes of the United States east of the Missouri River, and such tribes of Europe and Asia as practiced the art of pottery, but were without domestic animals.

V. *Middle Status of Barbarism.*

It commenced with the domestication of animals in the Eastern hemisphere, and in the Western with cultivation by irrigation and with the use of adobe-brick and stone in architecture, as shown. Its termination may be fixed with the invention of the process of smelting iron ore. This places in the Middle Status, for example, the Village Indians of New Mexico, Mexico, Central America and Peru, and such tribes in the Eastern hemisphere as possessed domestic animals, but were without a knowledge of iron. The ancient Britons, although familiar with the use of iron, fairly belong in this connection. The vicinity of more advanced continental tribes had advanced the arts of life among them far beyond the state of development of their domestic institutions.

VI. *Upper Status of Barbarism.*

It commenced with the manufacture of iron, and ended with the invention of a phonetic alphabet, and the use of writing in literary composition. Here civilization begins. This leaves in the Upper Status, for example, the Grecian tribes of the Homeric age, the Italian tribes shortly before the founding of Rome, and the Germanic tribes of the time of Cæsar.

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VII. *Status of Civilization.*

It commenced, as stated, with the use of a phonetic alphabet and the production of literary records, and divides into *Ancient* and *Modern*. As an equivalent, hieroglyphical writing upon stone may be admitted.

RECAPITULATION.

Periods.	*Conditions.*		
I.	*Older Period of Savagery*,	I.	*Lower Status of Savagery*,
II.	*Middle Period of Savagery*,	II.	*Middle Status of Savagery*,
III.	*Later Period of Savagery*,	III.	*Upper Status of Savagery*,
IV.	*Older Period of Barbarism*,	IV.	*Lower Status of Barbarism*,
V.	*Middle Period of Barbarism*,	V.	*Middle Status of Barbarism*,
VI.	*Later Period of Barbarism*,	VI.	*Upper Status of Barbarism*,
VII. *Status of Civilization.*			

I.	*Lower Status of Savagery,*	*From the Infancy of the Human Race to the commencement of the next Period.*
II.	*Middle Status of Savagery,*	*From the acquisition of a fish subsistence and a knowledge of the use of fire, to etc.*
III.	*Upper Status of Savagery,*	*From the Invention of the Bow and Arrow, to etc.*
IV.	*Lower Status of Barbarism,*	*From the Invention of the Art of Pottery, to etc.*
V.	*Middle Status of Barbarism,*	*From the Domestication of animals on the Eastern hemisphere, and in the Western from the cultivation of maize and plants by Irrigation, with the use of adobe-brick and stone, to etc.*
VI.	*Upper Status of Barbarism,*	*From the Invention of the process of Smelting Iron Ore, with the use of iron tools, to etc.*
VII.[Pg 13]	*Status of Civilization,*	*From the Invention of a Phonetic Alphabet, with the use of*

writing, to the present time.

Each of these periods has a distinct culture and exhibits a mode of life more or less special and peculiar to itself. This specialization of ethnical periods renders it possible to treat a particular society according to its condition of relative advancement, and to make it a subject of independent study and discussion. It does not affect the main result that different tribes and nations on the same continent, and even of the same linguistic family, are in different conditions at the same time, since for our purpose the *condition* of each is the material fact, the *time* being immaterial.

Since the use of pottery is less significant than that of domestic animals, of iron, or of a phonetic alphabet, employed to mark the commencement of subsequent ethnical periods, the reasons for its adoption should be stated. The manufacture of pottery presupposes village life, and considerable progress in the simple arts.2 Flint and stone implements are older than pottery, remains of the former having been found in ancient repositories in numerous instances unaccompanied by the latter. A succession of inventions of greater need and adapted to a lower condition must have occurred before the want of pottery would be felt. The commencement of village life, with some degree of control over subsistence, wooden vessels and utensils, finger weaving with filaments of bark, basket making, and the bow and arrow make their appearance before the art of pottery. The Village Indians who were in the Middle Status of barbarism, such as the Zuñians, the Aztecs and the Cholulans, manufactured pottery in large quantities and in many forms of considerable excellence; the partially Village Indians [Pg 14]of the United States, who were in the Lower Status of barbarism, such as the Iroquois, the Choctas and the Cherokees, made it in smaller quantities and in a limited number of forms; but the Non-horticultural Indians, who were in the Status of savagery, such as the Athapascans, the tribes of California and of the valley of the Columbia, were ignorant of its use.3 In Lubbock's *Pre-Historic Times*, in Tylor's *Early History of Mankind*, and in Peschel's *Races of Man*, the particulars respecting this art, and the extent of its distribution, have been collected with remarkable breadth of research. It was unknown in Polynesia (with the exception of the Islands of the Tongans and Fijians), in Australia, in California, and in the Hudson's Bay Territory. Mr. Tylor remarks that "the art of weaving was unknown in most of the Islands away from Asia," and that "in most of the South Sea Islands there was no knowledge of pottery."4 The Rev. Lorimer Fison, an English missionary residing in Australia, informed the author in answer to inquiries, that "the Australians had no woven fabrics, no pottery, and were ignorant of the bow and arrow." This last fact was also true in general of the Polynesians. The introduction of the ceramic art produced a new epoch in human progress in the direction of an improved living and increased domestic conveniences. While flint and stone implements—which came in earlier and required long periods of time to develop all their uses—gave the canoe, wooden vessels and utensils, and ultimately timber and plank in house architecture,5 pottery gave a durable vessel for boiling food, which before that had been rudely accomplished in [Pg

15]baskets coated with clay, and in ground cavities lined with skin, the boiling being effected with heated stones.6

Whether the pottery of the aborigines was hardened by fire or cured by the simple process of drying, has been made a question. Prof. E. T. Cox, of Indianapolis, has shown by comparing the analyses of ancient pottery and hydraulic cements, "that so far as chemical constituents are concerned it (the pottery) agrees very well with the composition of hydraulic stones." He remarks further, that "all the pottery belonging to the mound-builders' age, which I have seen, is composed of alluvial clay and sand, or a mixture of the former with pulverized fresh-water shells. A paste made of such a mixture possesses in a high degree the properties of hydraulic Puzzuolani and Portland cement, so that vessels formed of it hardened without being burned, as is customary with modern pottery. The fragments of shells served the purpose of gravel or fragments of stone as at present used in connection with hydraulic lime for the manufacture of artificial stone."7

The composition of Indian pottery in analogy with that of hydraulic cement suggests the difficulties in the way of inventing the art, and tends also to explain the lateness of its introduction in the course of human experience. Notwithstanding the ingenious suggestion of Prof. Cox, it is probable that pottery was hardened by artificial heat. In some cases the fact is directly attested. Thus Adair, speaking of the Gulf Tribes, remarks that "they make earthern pots of very different sizes, so as to contain from two to ten gallons, large pitchers to carry water, bowls, dishes, platters, basins, and a prodigious number of other vessels of such antiquated forms as would be tedious to describe, and impossible to name. Their method of glazing [Pg 16]them is, they place them over a large fire of smoky pitch-pine, which makes them smooth, black and firm."8

Another advantage of fixing definite ethnical periods is the direction of special investigation to those tribes and nations which afford the best exemplification of each status, with the view of making each both standard and illustrative. Some tribes and families have been left in geographical isolation to work out the problems of progress by original mental effort; and have, consequently, retained their arts and institutions pure and homogeneous; while those of other tribes and nations have been adulterated through external influence. Thus, while Africa was and is an ethnical chaos of savagery and barbarism, Australia and Polynesia were in savagery, pure and simple, with the arts and institutions belonging to that condition. In like manner, the Indian family of America, unlike any other existing family, exemplified the condition of mankind in three successive ethnical periods. In the undisturbed possession of a great continent, of common descent, and with homogeneous institutions, they illustrated, when discovered, each of these conditions, and especially those of the Lower and of the Middle Status of barbarism, more elaborately and completely than any other portion of mankind. The far northern Indians and some of the coast tribes of North and South America were in the Upper Status of savagery; the partially Village Indians east of the Mississippi were in the Lower Status of barbarism, and the Village Indians of North and South America were in the Middle Status. Such an opportunity to recover full and minute information of the course of human experience and progress in developing their arts and institutions through these successive conditions has not been offered within the historical period. It must be

added that it has been indifferently improved. Our greatest deficiencies relate to the last period named.

Differences in the culture of the same period in the Eastern and Western hemispheres undoubtedly existed in consequence of the unequal endowments of the continents; but the condi[Pg 17]tion of society in the corresponding status must have been, in the main, substantially similar.

The ancestors of the Grecian, Roman and German tribes passed through the stages we have indicated, in the midst of the last of which the light of history fell upon them. Their differentiation from the undistinguishable mass of barbarians did not occur, probably, earlier than the commencement of the Middle Period of barbarism. The experience of these tribes has been lost, with the exception of so much as is represented by the institutions, inventions and discoveries which they brought with them, and possessed when they first came under historical observation. The Grecian and Latin tribes of the Homeric and Romulian periods afford the highest exemplification of the Upper Status of barbarism. Their institutions were likewise pure and homogeneous, and their experience stands directly connected with the final achievement of civilization.

Commencing, then, with the Australians and Polynesians, following with the American Indian tribes, and concluding with the Roman and Grecian, who afford the highest exemplifications respectively of the six great stages of human progress, the sum of their united experiences may be supposed fairly to represent that of the human family from the Middle Status of savagery to the end of ancient civilization. Consequently, the Aryan nations will find the type of the condition of their remote ancestors, when in savagery, in that of the Australians and Polynesians; when in the Lower Status of barbarism in that of the partially Village Indians of America; and when in the Middle Status in that of the Village Indians, with which their own experience in the Upper Status directly connects. So essentially identical are the arts institutions and mode of life in the same status upon all the continents, that the archaic form of the principal domestic institutions of the Greeks and Romans must even now be sought in the corresponding institutions of the American aborigines, as will be shown in the course of this volume. This fact forms a part of the accumulating evidence tending to show that the principal institutions of mankind have been developed from a few primary germs of thought; and that the course and manner of their development[Pg 18] was predetermined, as well as restricted within narrow limits of divergence, by the natural logic of the human mind and the necessary limitations of its powers. Progress has been found to be substantially the same in kind in tribes and nations inhabiting different and even disconnected continents, while in the same status, with deviations from uniformity in particular instances produced by special causes. The argument when extended tends to establish the unity of origin of mankind. In studying the condition of tribes and nations in these several ethnical periods we are dealing, substantially, with the ancient history and condition of our own remote ancestors.

CHAPTER II. - ARTS OF SUBSISTENCE.

Supremacy of Mankind over the Earth.—Control over Subsistence The Condition.—Mankind alone gained that Control.—Successive arts of Subsistence.—I. Natural Subsistence; II. Fish Subsistence; III. Farinaceous Subsistence; IV. Meat and Milk Subsistence; V. Unlimited Subsistence through Field Agriculture.—Long Intervals of Time between them.

The important fact that mankind commenced at the bottom of the scale and worked up, is revealed in an expressive manner by their successive arts of subsistence. Upon their skill in this direction, the whole question of human supremacy on the earth depended. Mankind are the only beings who may be said to have gained an absolute control over the production of food; which at the outset they did not possess above other animals. Without enlarging the basis of subsistence, mankind could not have propagated themselves into other areas not possessing the same kinds of food, and ultimately over the whole surface of the earth; and lastly, without obtaining an absolute control over both its variety and amount, they could not have multiplied into populous nations. It is accordingly probable that the great epochs of human progress have been identified, more or less directly, with the enlargement of the sources of subsistence.

We are able to distinguish five of these sources of human food, created by what may be called as many successive arts, one superadded to the other, and brought out at long separated intervals of time. The first two originated in the period of[Pg 20] savagery, and the last three, in the period of barbarism. They are the following, stated in the order of their appearance:

I. *Natural Subsistence upon Fruits and Roots on a Restricted Habitat*.

This proposition carries us back to the strictly primitive period of mankind, when few in numbers, simple in subsistence, and occupying limited areas, they were just entering upon their new career. There is neither an art, nor an institution, that can be referred to this period; and but one invention, that of language, which can be connected with an epoch so remote. The kind of subsistence indicated assumes a tropical or sub-tropical climate. In such a climate, by common consent, the habitat of primitive man has been placed. In fruit and nut-bearing forests under a tropical sun, we are accustomed, and with reason, to regard our progenitors as having commenced their existence.

The races of animals preceded the race of mankind, in the order of time. We are warranted in supposing that they were in the plenitude of their strength and numbers when the human race first appeared. The classical poets pictured the tribes of mankind dwelling in groves, in caves and in forests, for the possession of which they disputed with wild beasts[9]—while they sustained themselves with the spontaneous fruits of the earth. If mankind commenced their career without experience, without weapons, and surrounded with ferocious animals, it is not improbable that they were, at least partially, tree-livers, as a means of protection and security.

The maintenance of life, through the constant acquisition of food, is the great burden imposed upon existence in all species of animals. As we descend in the scale of structural organization, subsistence becomes more and more simple at each stage, until the mystery

finally vanishes. But, in the ascending scale, it becomes increasingly difficult until the highest structural form, that of man, is reached, when it attains the maximum.
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Intelligence from henceforth becomes a more prominent factor. Animal food, in all probability, entered from a very early period into human consumption; but whether it was actively sought when mankind were essentially frugivorous in practice, though omnivorous in structural organization, must remain a matter of conjecture. This mode of sustenance belongs to the strictly primitive period.

II. *Fish Subsistence.*

In fish must be recognized the first kind of artificial food, because it was not fully available without cooking. Fire was first utilized, not unlikely, for this purpose. Fish were universal in distribution, unlimited in supply, and the only kind of food at all times attainable. The cereals in the primitive period were still unknown, if in fact they existed, and the hunt for game was too precarious ever to have formed an exclusive means of human support. Upon this species of food mankind became independent of climate and of locality; and by following the shores of the seas and lakes, and the courses of the rivers could, while in the savage state, spread themselves over the greater portion of the earth's surface. Of the fact of these migrations there is abundant evidence in the remains of flint and stone implements of the Status of Savagery found upon all the continents. In reliance upon fruits and spontaneous subsistence a removal from the original habitat would have been impossible.

Between the introduction of fish, followed by the wide migrations named, and the cultivation of farinaceous food, the interval of time was immense. It covers a large part of the period of savagery. But during this interval there was an important increase in the variety and amount of food. Such, for example, as the bread roots cooked in ground ovens, and in the permanent addition of game through improved weapons, and especially through the bow and arrow. This remarkable invention, which came in after the spear and war club, and gave the first deadly weapon for the hunt, appeared late in savagery.[10]
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It has been used to mark the commencement of its Upper Status. It must have given a powerful upward influence to ancient society, standing in the same relation to the period of savagery, as the iron sword to the period of barbarism, and fire-arms to the period of civilization.

From the precarious nature of all these sources of food, outside of the great fish areas, cannibalism became the dire resort of mankind. The ancient universality of this practice is being gradually demonstrated.

III. *Farinaceous Subsistence through Cultivation.*

We now leave Savagery and enter the Lower Status of barbarism. The cultivation of cereals and plants was unknown in the Western hemisphere except among the tribes who had emerged from savagery; and it seems to have been unknown in the Eastern hemisphere until after the tribes of Asia and Europe had passed through the Lower, and had drawn near to the close of the Middle Status of barbarism. It gives us the singular fact that the American aborigines in the Lower Status of barbarism were in possession of

horticulture one entire ethnical period earlier than the inhabitants of the Eastern hemisphere. It was a consequence of the unequal endowments of the two hemispheres; the Eastern possessing all the animals adapted to domestication, save one, and a majority of the cereals; while the Western had only one cereal fit for cultivation, but that the best. It tended to prolong the older period of barbarism in the former, to shorten it in the latter; and with the advantage of condition in this period in favor of the American aborigines. But when the most advanced tribes in the Eastern hemisphere, at the commencement of the Middle Period of barbarism, had domesticated animals which gave them meat and milk, their condition, without a knowledge of the cereals, was much superior to that of the American aborigines in the corresponding period, with maize and plants, but without domestic animals. The differentiation of the Semitic and [Pg 23] Aryan families from the mass of barbarians seems to have commenced with the domestication of animals.

That the discovery and cultivation of the cereals by the Aryan family was subsequent to the domestication of animals is shown by the fact, that there are common terms for these animals in the several dialects of the Aryan language, and no common terms for the cereals or cultivated plants. Mommsen, after showing that the domestic animals have the same names in the Sanskrit, Greek and Latin (which Max Müller afterwards extended to the remaining Aryan dialects11) thus proving that they were known and presumptively domesticated before the separation of these nations from each other, proceeds as follows: "On the other hand, we have as yet no certain proofs of the existence of agriculture at this period. Language rather favors the negative view. Of the Latin-Greek names of grain none occur in the Sanskrit with the single exception of ζέα, which philologically represents the Sanskrit *yavas*, but denotes in Indian, barley; in Greek, *spelt*. It must indeed be granted that this diversity in the names of cultivated plants, which so strongly contrasts with the essential agreement in the appellations of domestic animals, does not absolutely preclude the supposition of a common original agriculture. The cultivation of rice among the Indians, that of wheat and spelt among the Greeks, and that of rye and oats among the Germans and Celts, may all be traceable to a common system of original tillage."12 This last conclusion is forced. Horticulture preceded field culture, as the garden (*hortos*) preceded the field (*ager*); and although the latter implies boundaries, the former signifies directly an "inclosed space." Tillage, however, must have been older than the inclosed garden; the natural order being first, tillage of patches of open alluvial land, second of inclosed spaces or gardens, and third, of the field by means of the plow drawn by animal power. Whether the cultivation of such plants as the pea, bean, turnip, parsnip, beet, squash and melon, one or more of them, preceded the cultivation of the cereals, we have at present no means of knowing. Some of these have [Pg 24]common terms in Greek and Latin; but I am assured by our eminent philologist, Prof. W. D. Whitney, that neither of them has a common term in Greek or Latin and Sanskrit.

Horticulture seems to have originated more in the necessities of the domestic animals than in those of mankind. In the Western hemisphere it commenced with maize. This new era, although not synchronous in the two hemispheres, had immense influence upon the destiny of mankind. There are reasons for believing that it required ages to establish the

art of cultivation, and render farinaceous food a principal reliance. Since in America it led to localization and to village life, it tended, especially among the Village Indians, to take the place of fish and game. From the cereals and cultivated plants, moreover, mankind obtained their first impression of the possibility of an abundance of food.

The acquisition of farinaceous food in America and of domestic animals in Asia and Europe, were the means of delivering the advanced tribes, thus provided, from the scourge of cannibalism, which as elsewhere stated, there are reasons for believing was practiced universally throughout the period of savagery upon captured enemies, and, in time of famine, upon friends and kindred. Cannibalism in war, practiced by war parties in the field, survived among the American aborigines, not only in the Lower, but also in the Middle Status of barbarism, as, for example, among the Iroquois and the Aztecs; but the general practice had disappeared. This forcibly illustrates the great importance which is exercised by a permanent increase of food in ameliorating the condition of mankind.

IV. *Meat and Milk Subsistence.*

The absence of animals adapted to domestication in the Western hemisphere, excepting the llama,13 and the specific differences in the cereals of the two hemispheres exercised an important influence upon the relative advancement of their inhab[Pg 25]itants. While this inequality of endowments was immaterial to mankind in the period of savagery, and not marked in its effects in the Lower Status of barbarism, it made an essential difference with that portion who had attained to the Middle Status. The domestication of animals provided a permanent meat and milk subsistence which tended to differentiate the tribes which possessed them from the mass of other barbarians. In the Western hemisphere, meat was restricted to the precarious supplies of game. This limitation upon an essential species of food was unfavorable to the Village Indians; and doubtless sufficiently explains the inferior size of the brain among them in comparison with that of Indians in the Lower Status of barbarism. In the Eastern hemisphere, the domestication of animals enabled the thrifty and industrious to secure for themselves a permanent supply of animal food, including milk; the healthful and invigorating influence of which upon the race, and especially upon children, was undoubtedly remarkable. It is at least supposable that the Aryan and Semitic families owe their pre-eminent endowments to the great scale upon which, as far back as our knowledge extends, they have identified themselves with the maintenance in numbers of the domestic animals. In fact, they incorporated them, flesh, milk, and muscle into their plan of life.14 No other family of mankind have done this to an equal extent, and the Aryan have done it to a greater extent than the Semitic.

The domestication of animals gradually introduced a new mode of life, the pastoral, upon the plains of the Euphrates and of India, and upon the steppes of Asia; on the confines of one or the other of which the domestication of animals was probably first accomplished. To these areas, their oldest traditions and their histories alike refer them. They were thus drawn to regions which, so far from being the cradle lands of the human race, were areas they would not have occupied as savages, or as barbarians in the Lower Status of barbarism, to [Pg 26]whom forest areas were natural homes. After becoming habituated to pastoral life, it must have been impossible for either of these families to re-enter the forest areas of Western Asia and of Europe with their flocks and herds, without first

learning to cultivate some of the cereals with which to subsist the latter at a distance from the grass plains. It seems extremely probable, therefore, as before stated, that the cultivation of the cereals originated in the necessities of the domestic animals, and in connection with these western migrations; and that the use of farinaceous food by these tribes was a consequence of the knowledge thus acquired.

In the Western hemisphere, the aborigines were enabled to advance generally into the Lower Status of barbarism, and a portion of them into the Middle Status, without domestic animals, excepting the llama in Peru, and upon a single cereal, maize, with the adjuncts of the bean, squash, and tobacco, and in some areas, cacao, cotton and pepper. But maize, from its growth in the hill—which favored direct cultivation—from its useableness both green and ripe, and from its abundant yield and nutritive properties, was a richer endowment in aid of early human progress than all other cereals put together. It serves to explain the remarkable progress the American aborigines had made without the domestic animals; the Peruvians having produced bronze, which stands next, and quite near, in the order of time, to the process of smelting iron ore.

V. *Unlimited Subsistence through Field Agriculture.*

The domestic animals supplementing human muscle with animal power, contributed a new factor of the highest value. In course of time, the production of iron gave the plow with an iron point, and a better spade and axe. Out of these, and the previous horticulture, came field agriculture; and with it, for the first time, unlimited subsistence. The plow drawn by animal power may be regarded as inaugurating a new art. Now, for the first time, came the thought of reducing the forest, and bringing wide fields under cultivation.15 Moreover, [Pg 27]dense populations in limited areas now became possible. Prior to field agriculture it is not probable that half a million people were developed and held together under one government in any part of the earth. If exceptions occurred, they must have resulted from pastoral life on the plains, or from horticulture improved by irrigation, under peculiar and exceptional conditions.

In the course of these pages it will become necessary to speak of the family as it existed in different ethnical periods; its form in one period being sometimes entirely different from its form in another. In Part III these several forms of the family will be treated specially. But as they will be frequently mentioned in the next ensuing Part, they should at least be defined in advance for the information of the reader. They are the following:

I. *The Consanguine Family.*

It was founded upon the intermarriage of brothers and sisters in a group. Evidence still remains in the oldest of existing systems of Consanguinity, the Malayan, tending to show that this, the first form of the family, was anciently as universal as this system of consanguinity which it created.

II. *The Punaluan Family.*

Its name is derived from the Hawaiian relationship of *Punalua*. It was founded upon the intermarriage of several brothers to each other's wives in a group; and of several sisters to each other's husbands in a group. But the term brother, as here used, included the first, second, third, and even more remote male cousins, all of whom were considered brothers to each other, as we consider own brothers; and the term sister included the first, second,

third, and even more remote female cousins, all of whom were sisters to each other, the same as own sisters. This form of the family supervened upon the consanguine. It created the Turanian and Ganowánian systems of consanguinity. Both this and the previous form belong to the period of savagery.

III. *The Syndyasmian Family.*

The term is from συνδυάζω, to pair, συνδυασμός, a join[Pg 28]ing two together. It was founded upon the pairing of a male with a female under the form of marriage, but without an exclusive cohabitation. It was the germ of the Monogamian Family. Divorce or separation was at the option of both husband and wife. This form of the family failed to create a system of consanguinity.

IV. *The Patriarchal Family.*

It was founded upon the marriage of one man to several wives. The term is here used in a restricted sense to define the special family of the Hebrew pastoral tribes, the chiefs and principal men of which practiced polygamy. It exercised but little influence upon human affairs for want of universality.

V. *The Monogamian Family.*

It was founded upon the marriage of one man with one woman, with an exclusive cohabitation; the latter constituting the essential element of the institution. It is pre-eminently the family of civilized society, and was therefore essentially modern. This form of the family also created an independent system of consanguinity.

Evidence will elsewhere be produced tending to show both the existence and the general prevalence of these several forms of the family at different stages of human progress.

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CHAPTER III. - RATIO OF HUMAN PROGRESS.

Retrospect on the Lines of Human Progress.—Principal Contributions of Modern Civilization.—Of Ancient Civilization.—Of Later Period of Barbarism.—Of Middle Period.—Of Older Period.—Of Period of Savagery.—Humble Condition of Primitive Man.—Human Progress in a Geometrical Ratio.—Relative Length of Ethnical Periods.—Appearance of Semitic and Aryan Families.

It is well to obtain an impression of the relative amount and of the ratio of human progress in the several ethnical periods named, by grouping together the achievements of each, and comparing them with each other as distinct classes of facts. This will also enable us to form some conception of the relative duration of these periods. To render it forcible, such a survey must be general, and in the nature of a recapitulation. It should, likewise, be limited to the principal works of each period.

Before man could have attained to the civilized state it was necessary that he should gain all the elements of civilization. This implies an amazing change of condition, first from a primitive savage to a barbarian of the lowest type, and then from the latter to a Greek of the Homeric period, or to a Hebrew of the time of Abraham. The progressive development which history records in the period of civilization was not less true of man in each of the previous periods.

By re-ascending along the several lines of human progress toward the primitive ages of man's existence, and removing one by one his principal institutions, inventions and discoveries,[Pg 30] in the order in which they have appeared, the advance made in each period will be realized.

The principal contributions of modern civilization are the electric telegraph; coal gas; the spinning-jenny; and the power loom; the steam-engine with its numerous dependent machines, including the locomotive, the railway, and the steam-ship; the telescope; the discovery of the ponderability of the atmosphere and of the solar system; the art of printing; the canal lock; the mariner's compass; and gunpowder. The mass of other inventions, such, for example, as the Ericsson propeller, will be found to hinge upon one or another of those named as antecedents: but there are exceptions, as photography, and numerous machines not necessary to be noticed. With these also should be removed the modern sciences; religious freedom and the common schools; representative democracy; constitutional monarchy with parliaments; the feudal kingdom; modern privileged classes; international, statute and common law.

Modern civilization recovered and absorbed whatever was valuable in the ancient civilizations; and although its contributions to the sum of human knowledge have been vast, brilliant and rapid, they are far from being so disproportionately large as to overshadow the ancient civilizations and sink them into comparative insignificance. Passing over the mediæval period, which gave Gothic architecture, feudal aristocracy with hereditary titles of rank, and a hierarchy under the headship of a pope, we enter the Roman and Grecian civilizations. They will be found deficient in great inventions and discoveries, but distinguished in art, in philosophy, and in organic institutions. The principal contributions of these civilizations were imperial and kingly government; the civil law; Christianity; mixed aristocratical and democratical government, with a senate and consuls; democratical government with a council and popular assembly; the organization of armies into cavalry and infantry, with military discipline; the establishment of navies, with the practice of naval warfare; the formation of great cities, with municipal law; commerce on the seas; the coinage of money; and the[Pg 31] state, founded upon territory and upon property; and among inventions, fire-baked brick, the crane,16 the water-wheel for driving mills, the bridge, aqueduct and sewer; lead pipe used as a conduit with the faucet; the arch, the balance scale; the arts and sciences of the classical period, with their results, including the orders of architecture; the Arabic numerals, and alphabetic writing.

These civilizations drew largely from, as well as rested upon, the inventions and discoveries and the institutions of the previous period of barbarism. The achievements of civilized man, although very great and remarkable, are nevertheless very far from sufficient to eclipse the works of man as a barbarian. As such he had wrought out and possessed all the elements of civilization, excepting alphabetic writing. His achievements as a barbarian should be considered in their relation to the sum of human progress; and we may be forced to admit that they transcend, in relative importance, all his subsequent works.

The use of writing, or its equivalent in hieroglyphics upon stone, affords a fair test of the commencement of civilization.17 Without literary records neither history nor civilization can properly be said to exist. The production of the Homeric poems, whether transmitted orally or committed to writing at the time, fixes with sufficient nearness the introduction of civilization among the Greeks. These poems, ever fresh and ever marvelous, possess an ethnological value which enhances immensely their other excellences. This is especially true of the Iliad, which contains the oldest as well as the most circumstantial account now existing of the progress of mankind up to the time of its composition. Strabo compliments Homer as [Pg 32]the father of geographical science;18 but the great poet has given, perhaps without design, what was infinitely more important to succeeding generations: namely, a remarkably full exposition of the arts, usages, inventions and discoveries, and mode of life of the ancient Greeks. It presents our first comprehensive picture of Aryan society while still in barbarism, showing the progress then made, and of what particulars it consisted. Through these poems we are enabled confidently to state that certain things were known among the Greeks before they entered upon civilization. They also cast an illuminating light far backward into the period of barbarism.

Using the Homeric poems as a guide and continuing the retrospect into the Later Period of barbarism, let us strike off from the knowledge and experience of mankind the invention of poetry; the ancient mythology in its elaborate form, with the Olympian divinities; temple architecture; the knowledge of the cereals, excepting maize and cultivated plants, with field agriculture;19 cities encompassed with walls of stone, with battlements, towers and gates; the use of marble in architecture;20 ship-building with plank and probably with the use of nails;21 the wagon and the chariot;22 metallic plate armor;23 the copper-[Pg 33]pointed spear and embossed shield;24 the iron sword;25 the manufacture of wine, probably;26 the mechanical powers excepting the screw; the potter's wheel and the hand-mill for grinding grain;27 woven fabrics of linen and woolen from the loom;28 the iron axe and spade;29 the iron hatchet and adz;30 the hammer and the anvil;31 the bellows and the forge;32 and the side-hill furnace for smelting iron ore, together with a knowledge of iron. Along with the above-named acquisitions must be removed the monogamian family; military democracies of the heroic age; the later phase of the organization into gentes phratries and tribes; the agora or popular assembly, probably; a knowledge of individual property in houses and lands; and the advanced form of municipal life in fortified cities. When this has been done, the highest class of barbarians will have surrendered the principal portion of their marvelous works, together with the mental and moral growth thereby acquired.

From this point backward through the Middle Period of barbarism the indications become less distinct, and the relative order in which institutions, inventions and discoveries appeared is less clear; but we are not without some knowledge to guide our steps even in these distant ages of the Aryan family. For reasons previously stated, other families, besides the Aryan, may now be resorted to for the desired information.

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Entering next the Middle Period, let us, in like manner, strike out of human experience the process of making bronze; flocks and herds of domestic animals;33 communal houses with walls of adobe, and of dressed stone laid in courses with mortar of lime and sand; cyclopean walls; lake dwellings constructed on piles; the knowledge of native metals,34 with the use of charcoal and the crucible for melting them; the copper axe and chisel; the shuttle and embryo loom; cultivation by irrigation, causeways, reservoirs and irrigating canals; paved roads; osier suspension bridges; personal gods, with a priesthood distinguished by a costume, and organized in a hierarchy; human sacrifices; military democracies of the Aztec type; woven fabrics of cotton and other vegetable fibre in the Western hemisphere, and of wool and flax in the Eastern; ornamental pottery; the sword of wood, with the edges pointed with flints; polished flint and stone implements; a knowledge of cotton and flax; and the domestic animals.

The aggregate of achievements in this period was less than in that which followed; but in its relations to the sum of human progress it was very great. It includes the domestication of animals in the Eastern hemisphere, which introduced in time a permanent meat and milk subsistence, and ultimately field agriculture; and also inaugurated those experiments with the native metals which resulted in producing bronze,35 as well [Pg 35]as prepared the way for the higher process of smelting iron ore. In the Western hemisphere it was signalized by the discovery and treatment of the native metals, which resulted in the production independently of bronze; by the introduction of irrigation in the cultivation of maize and plants, and by the use of adobe-brick and stone in the construction of great joint tenement houses in the nature of fortresses.

Resuming the retrospect and entering the Older Period of barbarism, let us next remove from human acquisitions the confederacy, based upon gentes, phratries and tribes under the government of a council of chiefs which gave a more highly organized state of society than before that had been known. Also the discovery and cultivation of maize and the bean, squash and tobacco, in the Western hemisphere, together with a knowledge of farinaceous food; finger weaving with warp and woof; the kilt, moccasin and leggin of tanned deer-skin; the blow-gun for bird shooting; the village stockade for defense; tribal games; element worship, with a vague recognition of the Great Spirit; cannibalism in time of war; and lastly, the art of pottery.

As we ascend in the order of time and of development, but descend in the scale of human advancement, inventions become more simple, and more direct in their relations to primary wants; and institutions approach nearer and nearer to the elementary form of a gens composed of consanguinei, under a chief of their own election, and to the tribe composed of kindred gentes, under the government of a council of chiefs. The condition of Asiatic and European tribes in this period, (for the

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Aryan and Semitic families did not probably then exist), is substantially lost. It is represented by the remains of ancient art between the invention of pottery and the domestication of animals; and includes the people who formed the shell-heaps on the coast of the Baltic, who seem to have domesticated the dog, but no other animals.

In any just estimate of the magnitude of the achievements of mankind in the three sub-periods of barbarism, they must be regarded as immense, not only in number and in intrinsic value, but also in the mental and moral development by which they were necessarily accompanied.

Ascending next through the prolonged period of savagery, let us strike out of human knowledge the organization into gentes, phratries and tribes; the syndyasmian family; the worship of the elements in its lowest form; syllabical language; the bow and arrow; stone and bone implements; cane and splint baskets; skin garments; the punaluan family; the organization upon the basis of sex; the village, consisting of clustered houses; boat craft, including the bark and dug-out canoe; the spear pointed with flint, and the war club; flint implements of the ruder kinds; the consanguine family; monosyllabical language; fetishism; cannibalism; a knowledge of the use of fire; and lastly, gesture language.[36]

When this work [Pg 37]of elimination has been done in the order in which these several acquisitions were made, we shall have approached quite near the infantile period of man's existence, when mankind were learning the use of fire, which rendered possible a fish subsistence and a change of habitat, and when they were attempting the formation of articulate language. In a condition so absolutely primitive, man is seen to be not only a child in the scale of humanity, but possessed of a brain into which not a thought or conception expressed by these institutions, inventions and discoveries had penetrated;—in a word, he stands at the bottom of the scale, but potentially all he has since become.

With the production of inventions and discoveries, and with the growth of institutions, the human mind necessarily grew and expanded; and we are led to recognize a gradual enlargement of the brain itself, particularly of the cerebral portion. The slowness of this mental growth was inevitable, in the period of savagery, from the extreme difficulty of compassing the simplest invention out of nothing, or with next to nothing to assist mental effort; and of discovering any substance or force in nature available in such a rude condition of life. It was not less difficult to organize the simplest form of society out of such savage and intractable materials. The first inventions and the first social organizations were doubtless the hardest to achieve, and were consequently separated from each other by the longest intervals of time. A striking illustration is found in the successive forms of the family. In this law of progress, which works in a geometrical ratio, a sufficient ex[Pg 38]planation is found of the prolonged duration of the period of savagery.

That the early condition of mankind was substantially as above indicated is not exclusively a recent, nor even a modern opinion. Some of the ancient poets and philosophers recognized the fact, that mankind commenced in a state of extreme rudeness from which they had risen by slow and successive steps. They also perceived that the course of their development was registered by a progressive series of inventions and discoveries, but without noticing as fully the more conclusive argument from social institutions.

The important question of the ratio of this progress, which has a direct bearing upon the relative length of the several ethnical periods, now presents itself. Human progress, from first to last, has been in a ratio not rigorously but essentially geometrical. This is plain on

the face of the facts; and it could not, theoretically, have occurred in any other way. Every item of absolute knowledge gained became a factor in further acquisitions, until the present complexity of knowledge was attained. Consequently, while progress was slowest in time in the first period, and most rapid in the last, the relative amount may have been greatest in the first, when the achievements of either period are considered in their relations to the sum. It may be suggested, as not improbable of ultimate recognition, that the progress of mankind in the period of savagery, in its relations to the sum of human progress, was greater in degree than it was afterwards in the three sub-periods of barbarism; and that the progress made in the whole period of barbarism was, in like manner, greater in degree than it has been since in the entire period of civilization.

What may have been the relative length of these ethnical periods is also a fair subject of speculation. An exact measure is not attainable, but an approximation may be attempted. On the theory of geometrical progression, the period of savagery was necessarily longer in duration than the period of barbarism, as the latter was longer than the period of civilization. If we assume a hundred thousand years as the measure of man's existence upon the earth in order to find the relative length of[Pg 39] each period,—and for this purpose, it may have been longer or shorter,—it will be seen at once that at least sixty thousand years must be assigned to the period of savagery. Three-fifths of the life of the most advanced portion of the human race, on this apportionment, were spent in savagery. Of the remaining years, twenty thousand, or one-fifth, should be assigned to the Older Period of barbarism. For the Middle and Later Periods there remain fifteen thousand years, leaving five thousand, more or less, for the period of civilization.

The relative length of the period of savagery is more likely under than over stated. Without discussing the principles on which this apportionment is made, it may be remarked that in addition to the argument from the geometrical progression under which human development of necessity has occurred, a graduated scale of progress has been universally observed in remains of ancient art, and this will be found equally true of institutions. It is a conclusion of deep importance in ethnology that the experience of mankind in savagery was longer in duration than all their subsequent experience, and that the period of civilization covers but a fragment of the life of the race.

Two families of mankind, the Aryan and Semitic, by the commingling of diverse stocks, superiority of subsistence or advantage of position, and possibly from all together, were the first to emerge from barbarism. They were substantially the founders of civilization.37 But their existence as distinct families was undoubtedly, in a comparative sense, a late event. Their progenitors are lost in the undistinguishable mass of earlier barbarians. The first ascertained appearance of the Aryan family was in connection with the domestic animals, at which time they were one people in language and nationality. It is not probable that the Aryan or Semitic families were developed into individuality earlier than the commencement of the Middle Period of barbarism, and that their differentiation from the mass of barbarians occurred through their acquisition of the domestic animals.

The most advanced portion of the human race were halted, so to express it, at certain stages of progress, until some great [Pg 40]invention or discovery, such as the

domestication of animals or the smelting of iron ore, gave a new and powerful impulse forward. While thus restrained, the ruder tribes, continually advancing, approached in different degrees of nearness to the same status; for wherever a continental connection existed, all the tribes must have shared in some measure in each other's progress. All great inventions and discoveries propagate themselves; but the inferior tribes must have appreciated their value before they could appropriate them. In the continental areas certain tribes would lead; but the leadership would be apt to shift a number of times in the course of an ethnical period. The destruction of the ethnic bond and life of particular tribes, followed by their decadence, must have arrested for a time, in many instances and in all periods, the upward flow of human progress. From the Middle Period of barbarism, however, the Aryan and Semitic families seem fairly to represent the central threads of this progress, which in the period of civilization has been gradually assumed by the Aryan family alone.

The truth of this general position may be illustrated by the condition of the American aborigines at the epoch of their discovery. They commenced their career on the American continent in savagery; and, although possessed of inferior mental endowments, the body of them had emerged from savagery and attained to the Lower Status of barbarism; whilst a portion of them, the Village Indians of North and South America, had risen to the Middle Status. They had domesticated the llama, the only quadruped native to the continent which promised usefulness in the domesticated state, and had produced bronze by alloying copper with tin. They needed but one invention, and that the greatest, the art of smelting iron ore, to advance themselves into the Upper Status. Considering the absence of all connection with the most advanced portion of the human family in the Eastern hemisphere, their progress in unaided self-development from the savage state must be accounted remarkable. While the Asiatic and European were waiting patiently for the boon of iron tools, the American Indian was drawing near to the possession of bronze, which stands next to iron in the order of time. During this[Pg 41] period of arrested progress in the Eastern hemisphere, the American aborigines advanced themselves, not to the status in which they were found, but sufficiently near to reach it while the former were passing through the last period of barbarism, and the first four thousand years of civilization. It gives us a measure of the length of time they had fallen behind the Aryan family in the race of progress: namely the duration of the Later Period of barbarism, to which the years of civilization must be added. The Aryan and Ganowánian families together exemplify the entire experience of man in five ethnical periods, with the exception of the first portion of the Later Period of savagery.

Savagery was the formative period of the human race. Commencing at zero in knowledge and experience, without fire, without articulate speech and without arts, our savage progenitors fought the great battle, first for existence, and then for progress, until they secured safety from ferocious animals, and permanent subsistence. Out of these efforts there came gradually a developed speech, and the occupation of the entire surface of the earth. But society from its rudeness was still incapable of organization in numbers. When the most advanced portion of mankind had emerged from savagery, and entered the Lower Status of barbarism, the entire population of the earth must have been small in

numbers. The earliest inventions were the most difficult to accomplish because of the feebleness of the power of abstract reasoning. Each substantial item of knowledge gained would form a basis for further advancement; but this must have been nearly imperceptible for ages upon ages, the obstacles to progress nearly balancing the energies arrayed against them. The achievements of savagery are not particularly remarkable in character, but they represent an amazing amount of persistent labor with feeble means continued through long periods of time before reaching a fair degree of completeness. The bow and arrow afford an illustration.

The inferiority of savage man in the mental and moral scale, undeveloped, inexperienced, and held down by his low animal appetites and passions, though reluctantly recognized, [Pg 42] is, nevertheless, substantially demonstrated by the remains of ancient art in flint, stone and bone implements, by his cave life in certain areas, and by his osteological remains. It is still further illustrated by the present condition of tribes of savages in a low state of development, left in isolated sections of the earth as monuments of the past. And yet to this great period of savagery belongs the formation of articulate language and its advancement to the syllabical stage, the establishment of two forms of the family, and possibly a third, and the organization into gentes which gave the first form of society worthy of the name. All these conclusions are involved in the proposition, stated at the outset, that mankind commenced their career at the bottom of the scale; which "modern science claims to be proving by the most careful and exhaustive study of man and his works."[38]

In like manner, the great period of barbarism was signalized by four events of pre-eminent importance: namely, the domestication of animals, the discovery of the cereals, the use of stone in architecture, and the invention of the process of smelting iron ore. Commencing probably with the dog as a companion in the hunt, followed at a later period by the capture of the young of other animals and rearing them, not unlikely, from the merest freak of fancy, it required time and experience to discover the utility of each, to find means of raising them in numbers and to learn the forbearance necessary to spare them in the face of hunger. Could the special history of the domestication of each animal be known, it would exhibit a series of marvelous facts. The experiment carried, locked up in its doubtful chances, much of the subsequent destiny of mankind. Secondly, the acquisition of farinaceous food by cultivation must be regarded as one of the greatest events in human experience. It was less essential in the Eastern hemisphere, after the domestication of animals, than in the Western, where it became the instrument of advancing a large portion of the American aborigines into the Lower, and another portion into the Middle Status of barbarism. If mankind had never advanced beyond this last condition, they had the means of a comparatively [Pg 43]easy and enjoyable life. Thirdly, with the use of adobe-brick and of stone in house building, an improved mode of life was introduced, eminently calculated to stimulate the mental capacities, and to create the habit of industry,—the fertile source of improvements. But, in its relations to the high career of mankind, the fourth invention must be held the greatest event in human experience, preparatory to civilization. When the barbarian, advancing step by step, had

discovered the native metals, and learned to melt them in the crucible and to cast them in moulds; when he had alloyed native copper with tin and produced bronze; and, finally, when by a still greater effort of thought he had invented the furnace, and produced iron from the ore, nine-tenths of the battle for civilization was gained.39 Furnished with iron tools, capable of holding both an edge and a point, mankind were certain of attaining to civilization. The production of iron was the event of events in human experience, without a parallel, and without an equal, beside which all other inventions and discoveries were inconsiderable, or at least subordinate. Out of it came the metallic hammer and anvil, the axe and the chisel, the plow with an iron point, the iron sword; in fine, the basis of civilization, which may be said to rest upon this metal. The want of iron tools arrested the progress of mankind in barbarism. There they would have remained to the present hour, had they failed to bridge the chasm. It seems probable that the conception and the process of smelting iron ore came but once to man. It would be a singular satisfaction could it be known to what tribe and family we are indebted for this knowledge, and with it for civilization.

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The Semitic family were then in advance of the Aryan, and in the lead of the human race. They gave the phonetic alphabet to mankind and it seems not unlikely the knowledge of iron as well.

At the epoch of the Homeric poems, the Grecian tribes had made immense material progress. All the common metals were known, including the process of smelting ores, and possibly of changing iron into steel; the principal cereals had been discovered, together with the art of cultivation, and the use of the plow in field agriculture; the dog, the horse, the ass, the cow, the sow, the sheep and the goat had been domesticated and reared in flocks and herds, as has been shown. Architecture had produced a house constructed of durable materials, containing separate apartments,40 and consisting of more than a single story;41 ship building, weapons, textile fabrics, the manufacture of wine from the grape, the cultivation of the apple, the pear, the olive and the fig,42 together with comfortable apparel, and useful implements and utensils, had been produced and brought into human use.43 But the early history of man[Pg 45]kind was lost in the oblivion of the ages that had passed away. Tradition ascended to an anterior barbarism through which it was unable to penetrate. Language had attained such development that poetry of the highest structural form was about to embody the inspirations of genius. The closing period of barbarism brought this portion of the human family to the threshold of civilization, animated by the great attainments of the past, grown hardy and intelligent in the school of experience, and with the undisciplined imagination in the full splendor of its creative powers. Barbarism ends with the production of grand barbarians. Whilst the condition of society in this period was understood by the later Greek and Roman writers, the anterior state, with its distinctive culture and experience, was as deeply concealed from their apprehension as from our own; except as occupying a nearer stand-point in time, they saw more distinctly the relations of the present with the past. It was evident to them that a certain sequence

existed in the series of inventions and discoveries, as well as a certain order of development of institutions, through which mankind had advanced themselves from the status of savagery to that of the Homeric age; but the immense interval of time between the two conditions does not appear to have been made a subject even of speculative consideration.

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PART II. - GROWTH OF THE IDEA OF GOVERNMENT.

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CHAPTER I. - ORGANIZATION OF SOCIETY UPON THE BASIS OF SEX.

Australian Classes.—Organized upon Sex.—Archaic Character of the Organization.—Australian Gentes.—The Eight Classes.—Rule of Marriage.—Descent in the Female Line.—Stupendous Conjugal System.—Two Male and Two Female Classes in each Gens.—Innovations upon the Classes.—Gens still Rudimentary.

In treating the subject of the growth of the idea of government, the organization into gentes on the basis of kin naturally suggests itself as the archaic frame-work of ancient society; but there is a still older and more archaic organization, that into classes on the basis of sex, which first demands attention. It will not be taken up because of its novelty in human experience, but for the higher reason that it seems to contain the germinal principle of the gens. If this inference is warranted by the facts it will give to this organization into male and female classes, now found in full vitality among the Australian aborigines, an ancient prevalence as wide spread, in the tribes of mankind, as the original organization into gentes.

It will soon be perceived that low down in savagery community of husbands and wives, within prescribed limits, was the central principle of the social system. The marital rights and privileges, (*jura conjugialia*,44) established in the group, grew into a stupendous scheme, which became the organic principle on which society was constituted. From the nature of the case these rights and privileges rooted themselves so [Pg 50]firmly that emancipation from them was slowly accomplished through movements which resulted in unconscious reformations. Accordingly it will be found that the family has advanced from a lower to a higher form as the range of this conjugal system was gradually reduced. The family, commencing in the consanguine, founded upon the intermarriage of brothers and sisters in a group, passed into the second form, the punaluan, under a social system akin to the Australian classes, which broke up the first species of marriage by substituting groups of brothers who shared their wives in common, and groups of sisters who shared their husbands in common,—marriage in both cases being in the group. The organization into classes upon sex, and the subsequent higher organization into gentes upon kin, must be regarded as the results of great social movements worked out unconsciously through natural selection. For these reasons the Australian system, about to be presented, deserves attentive consideration, although it carries us into a low grade of human life. It represents a striking phase of the ancient social history of our race.

The organization into classes on the basis of sex, and the inchoate organization into gentes on the basis of kin, now prevail among that portion of the Australian aborigines who speak the Kamilaroi language. They inhabit the Darling River district north of Sydney. Both organizations are also found in other Australian tribes, and so wide spread as to render probable their ancient universal prevalence among them. It is evident from internal

considerations that the male and female classes are older than the gentes: firstly, because the gentile organization is higher than that into classes; and secondly, because the former, among the Kamilaroi, are in process of overthrowing the latter. The class in its male and female branches is the unit of their social system, which place rightfully belongs to the gens when in full development. A remarkable combination of facts is thus presented; namely, a sexual and a gentile organization, both in existence at the same time, the former holding the central position, and the latter inchoate but advancing to completeness through encroachments upon the former.

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This organization upon sex has not been found, as yet, in any tribes of savages out of Australia, but the slow development of these islanders in their secluded habitat, and the more archaic character of the organization upon sex than that into gentes, suggests the conjecture, that the former may have been universal in such branches of the human family as afterwards possessed the gentile organization. Although the class system, when traced out fully, involves some bewildering complications, it will reward the attention necessary for its mastery. As a curious social organization among savages it possesses but little interest; but as the most primitive form of society hitherto discovered, and more especially with the contingent probability that the remote progenitors of our own Aryan family were once similarly organized, it becomes important, and may prove instructive.

The Australians rank below the Polynesians, and far below the American aborigines. They stand below the African negro and near the bottom of the scale. Their social institutions, therefore, must approach the primitive type as nearly as those of any existing people.45

Inasmuch as the gens is made the subject of the next succeeding chapter, it will be introduced in this without discussion, and only for the necessary explanation of the classes. The Kamilaroi are divided into six gentes, standing with reference to the right of marriage, in two divisions, as follows:

I. 1. Iguana, (Duli). 2. Kangaroo, (Murriira).46 3. Opossum, (Mute).

II. 4. Emu, (Dinoun). 5. Bandicoot, (Bilba). 6. Black-snake, (Nurai).

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Originally the first three gentes were not allowed to intermarry with each other, because they were subdivisions of an original gens; but they were permitted to marry into either of the other gentes, and *vice versâ*. This ancient rule is now modified, among the Kamilaroi, in certain definite particulars, but not carried to the full extent of permitting marriage into any gens but that of the individual. Neither males nor females can marry into their own gens, the prohibition being absolute. Descent is in the female line, which assigns the children to the gens of their mother. These are among the essential characteristics of the gens, wherever this institution is found in its archaic form. In its external features, therefore, it is perfect and complete among the Kamilaroi.

But there is a further and older division of the people into eight classes, four of which are composed exclusively of males, and four exclusively of females. It is accompanied with a regulation in respect to marriage and descent which obstructs the gens, and demonstrates that the latter organization is in process of development into its true logical form. One only of the four classes of males can marry into one only of the four classes of females. In the sequel it will be found that all the males of one class are, theoretically, the husbands of all

the females of the class into which they are allowed to marry. Moreover, if the male belongs to one of the first three gentes the female must belong to one of the opposite three. Marriage is thus restricted to a portion of the males of one gens, with a portion of the females of another gens, which is opposed to the true theory of the gentile institution, for all the members of each gens should be allowed to marry persons of the opposite sex in all the gentes except their own.

The classes are the following:

Male.	*Female.*
1. Ippai.	1. Ippata.
2. Kumbo.	2. Buta.
3. Murri.	3. Mata.
4. Kubbi.	4. Kapota.

All the Ippais, of whatever gens, are brothers to each other. Theoretically, they are descended from a supposed common[Pg 53] female ancestor. All the Kumbos are the same; and so are all the Murris and Kubbis, respectively, and for the same reason. In like manner, all the Ippatas, of whatever gens, are sisters to each other, and for the same reason; all the Butas are the same, and so are all the Matas and Kapotas, respectively. In the next place, all the Ippais and Ippatas are brothers and sisters to each other, whether children of the same mother or collateral consanguinei, and in whatever gens they are found. The Kumbos and Butas are brothers and sisters; and so are the Murris and Matas, and the Kubbis and Kapotas respectively. If an Ippai and Ippata meet, who have never seen each other before, they address each other as brother and sister. The Kamilaroi, therefore, are organized into four great primary groups of brothers and sisters, each group being composed of a male and a female branch; but intermingled over the areas of their occupation. Founded upon sex, instead of kin, it is older than the gentes, and more archaic, it may be repeated, than any form of society hitherto known.

The classes embody the germ of the gens, but fall short of its realization. In reality the Ippais and Ippatas form a single class in two branches, and since they cannot intermarry they would form the basis of a gens but for the reason that they fall under two names, each of which is integral for certain purposes, and for the further reason that their children take different names from their own. The division into classes is upon sex instead of kin, and has its primary relation to a rule of marriage as remarkable as it is original.

Since brothers and sisters are not allowed to intermarry, the classes stand to each other in a different order with respect to the right of marriage, or rather, of cohabitation, which better expresses the relation. Such was the original law, thus:

Ippai can	marry	Kapota,	and	no	other.
Kumbo ”	”	Mata,	”	”	”
Murri ”	”	Buta,	”	”	”
Kubbi ”	”	Ippata,	”	”	”

This exclusive scheme has been modified in one particular, as will hereafter be shown: namely, in giving to each class of males the right of intermarriage with one additional class of[Pg 54] females. In this fact, evidence of the encroachment of the gens upon the class is furnished, tending to the overthrow of the latter.

It is thus seen that each male in the selection of a wife, is limited to one-fourth part of all the Kamilaroi females. This, however, is not the remarkable part of the system. Theoretically every Kapota is the wife of every Ippai; every Mata is the wife of every Kumbo; every Buta is the wife of every Murri; and every Ippata of every Kubbi. Upon this material point the information is specific. Mr. Fison, before mentioned, after observing that Mr. Lance had "had much intercourse with the natives, having lived among them many years on frontier cattle-stations on the Darling River, and in the trans-Darling country," quotes from his letter as follows: "If a Kubbi meets a stranger Ippata, they address each other as *Goleer* = Spouse.... A Kubbi thus meeting an Ippata, even though she were of another tribe, would treat her as his wife, and his right to do so would be recognized by her tribe." Every Ippata within the immediate circle of his acquaintance would consequently be his wife as well.

Here we find, in a direct and definite form, punaluan marriage in a group of unusual extent; but broken up into lesser groups, each a miniature representation of the whole, united for habitation and subsistence. Under the conjugal system thus brought to light, one-quarter of all the males are united in marriage with one-quarter of all the females of the Kamilaroi tribes. This picture of savage life need not revolt the mind, because to them it was a form of the marriage relation, and therefore devoid of impropriety. It is but an extended form of polygyny and polyandry, which, within narrower limits, have prevailed universally among savage tribes. The evidence of the fact still exists, in unmistakable form, in their systems of consanguinity and affinity, which have outlived the customs and usages in which they originated. It will be noticed that this scheme of intermarriage is but a step from promiscuity, because it is tantamount to that with the addition of a method. Still, as it is made a subject of organic regulation, it is far removed from general promiscuity. Moreover, it reveals an ex[Pg 55]isting state of marriage and of the family of which no adequate conception could have been formed apart from the facts. It affords the first direct evidence of a state of society which had previously been deduced, as extremely probable, from systems of consanguinity and affinity.47

Whilst the children remained in the gens of their mother, they passed into another class, in the same gens, different from that of either parent. This will be made apparent by the following table:

Male.	*Female.*		*Male.*		*Female.*		
Ippai marries	Kapota.	Their	children	are	Murri	and	Mata.
Kumbo ”	Mata.	”	”	”	Kubbi	”	Kapota.
Murri ”	Buta.	”	”	”	Ippai	”	Ippata.
Kubbi ”	Ippata.	”	”	”	Kumbo	”	Buta.

If these descents are followed out it will be found that, in the female line, Kapota is the mother of Mata, and Mata in turn is the mother of Kapota; so Ippata is the mother of Buta, and the latter in turn is the mother of Ippata. It is the same with the male classes; but since descent is in the female line, the Kamilaroi tribes derive themselves from two supposed female ancestors, which laid the foundation for two original gentes. By tracing these descents still further it will be found that the blood of each class passes through all the classes.

Although each individual bears one of the class names above given, it will be understood that each has in addition the single personal name, which is common among savage as well as barbarous tribes. The more closely this organization upon sex is scrutinized, the more remarkable it seems as the work of savages. When once established, and after that transmitted through a few generations, it would hold society with such power as to become difficult of displacement. It would require a similar and higher system, and centuries of time, to accomplish this result; particularly if the range of the conjugal system would thereby be abridged.

The gentile organization supervened naturally upon the classes as a higher organization, by simply enfolding them unchanged. [Pg 56]That it was subsequent in point of time, is shown by the relations of the two systems, by the inchoate condition of the gentes, by the impaired condition of the classes through encroachments by the gens, and by the fact that the class is still the unit of organization. These conclusions will be made apparent in the sequel.

From the preceding statements the composition of the gentes will be understood when placed in their relations to the classes. The latter are in pairs of brothers and sisters derived from each other; and the gentes themselves, through the classes, are in pairs, as follows:

Gentes.		*Male.*		*Female.*		*Male.*		*Female.*	
1. Iguana.	All	are	Murri	and	Mata,	or	Kubbi	and	Kapota.
2. Emu.	”	”	Kumbo	”	Buta,	”	Ippai	”	Ippata.
3. Kangaroo.	”	”	Murri	”	Mata,	”	Kubbi	”	Kapota.
4. Bandicoot.	”	”	Kumbo	”	Buta,	”	Ippai	”	Ippata.
5. Opossum.	”	”	Murri	”	Mata,	”	Kubbi	”	Kapota.
6. Blacksnake.	”	”	Kumbo	”	Buta,	”	Ippai	”	Ippata.

The connection of children with a particular gens is proven by the law of marriage. Thus, Iguana-Mata must marry Kumbo; her children are Kubbi and Kapota, and necessarily Iguana in gens, because descent is in the female line. Iguana-Kapota must marry Ippai; her children are Murri and Mata, and also Iguana in gens, for the same reason. In like manner Emu-Buta must marry Murri; her children are Ippai and Ippata, and of the Emu gens. So Emu-Ippata must marry Kubbi; her children are Kumbo and Buta, and also of the Emu gens. In this manner the gens is maintained by keeping in its membership the children of all its female members. The same is true in all respects of each of the remaining gentes. It will be noticed that each gens is made up, theoretically, of the descendants of two supposed female ancestors, and contains four of the eight classes. It seems probable that originally there were but two male, and two female classes, which were set opposite to each other in respect to the right of marriage; and that the four afterward subdivided into eight. The[Pg 57] classes as an anterior organization were evidently arranged within the gentes, and not formed by the subdivision of the latter.

Moreover, since the Iguana, Kangaroo and Opossum gentes are found to be counterparts of each other, in the classes they contain, it follows that they are subdivisions of an original gens. Precisely the same is true of Emu, Bandicoot and Blacksnake, in both particulars; thus reducing the six to two original gentes, with the right in each to marry into the other, but not into itself. It is confirmed by the fact that the members of the first three gentes could not originally intermarry; neither could the members of the last three. The reason which prevented intermarriage in the gens, when the three were one, would follow the subdivisions because they were of the same descent although under different gentile names. Exactly the same thing is found among the Seneca-Iroquois, as will hereafter be shown.

Since marriage is restricted to particular classes, when there were but two gentes, one-half of all the females of one were, theoretically, the wives of one-half of all the males of the other. After their subdivision into six the benefit of marrying out of the gens, which was the chief advantage of the institution, was arrested, if not neutralized, by the presence of the classes together with the restrictions mentioned. It resulted in continuous in-and-in marriages beyond the immediate degree of brother and sister. If the gens could have eradicated the classes this evil would, in a great measure, have been removed.48

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The organization into classes seems to have been directed to the single object of breaking up the intermarriage of brothers and sisters, which affords a probable explanation of the origin of the system. But since it did not look beyond this special abomination it retained a conjugal system nearly as objectionable, as well as cast it in a permanent form.

It remains to notice an innovation upon the original constitution of the classes, and in favor of the gens, which reveals a movement, still pending, in the direction of the true ideal of the gens. It is shown in two particulars: firstly, in allowing each triad of gentes to intermarry with each other, to a limited extent; and secondly, to marry into classes not before permitted. Thus, Iguana-Murri can now marry Mata in the Kangaroo gens, his collateral sister, whereas originally he was restricted to Buta in the opposite three. So Iguana-Kubbi can now marry Kapota, his collateral sister. Emu-Kumbo can now marry Buta, and Emu-Ippai can marry Ippata in the Blacksnake gens, contrary to original limitations. Each class of males in each triad of gentes seems now to be allowed one additional class of females in the two remaining gentes of the same triad, from which they were before excluded. The memoranda sent by Mr. Fison, however, do not show a change to the full extent here indicated.49

This innovation would plainly have been a retrograde movement but that it tended to break down the classes. The line of progress among the Kamilaroi, so far as any is observable, was from classes into gentes, followed by a tendency to make the gens instead of the class the unit of the social organism. In this movement the overshadowing system of cohabitation was the resisting element. Social advancement was impossible [Pg 59]without diminishing its extent, which was equally impossible so long as the classes, with the privileges they conferred, remained in full vitality. The *jura conjugialia*, which appertained to these classes, were the dead weight upon the Kamilaroi, without emancipation from

which they would have remained for additional thousands of years in the same condition, substantially, in which they were found.

An organization somewhat similar is indicated by the *punalua* of the Hawaiians which will be hereafter explained. Wherever the middle or lower stratum of savagery is uncovered, marriages of entire groups under usages defining the groups, have been discovered either in absolute form, or such traces as to leave little doubt that such marriages were normal throughout this period of man's history. It is immaterial whether the group, theoretically, was large or small, the necessities of their condition would set a practical limit to the size of the group living together under this custom. If then community of husbands and wives is found to have been a law of the savage state, and, therefore, the essential condition of society in savagery, the inference would be conclusive that our own savage ancestors shared in this common experience of the human race.

In such usages and customs an explanation of the low condition of savages is found. If men in savagery had not been left behind, in isolated portions of the earth, to testify concerning the early condition of mankind in general, it would have been impossible to form any definite conception of what it must have been. An important inference at once arises, namely, that the institutions of mankind have sprung up in a progressive connected series, each of which represents the result of unconscious reformatory movements to extricate society from existing evils. The wear of ages is upon these institutions, for the proper understanding of which they must be studied in this light. It cannot be assumed that the Australian savages are now at the bottom of the scale, for their arts and institutions, humble as they are, show the contrary; neither is there any ground for assuming their degradation from a higher condition, because the facts of human experience afford[Pg 60] no sound basis for such an hypothesis. Cases of physical and mental deterioration in tribes and nations may be admitted, for reasons which are known, but they never interrupted the general progress of mankind. All the facts of human knowledge and experience tend to show that the human race, as a whole, have steadily progressed from a lower to a higher condition. The arts by which savages maintain their lives are remarkably persistent. They are never lost until superseded by others higher in degree. By the practice of these arts, and by the experience gained through social organizations, mankind have advanced under a necessary law of development, although their progress may have been substantially imperceptible for centuries. It was the same with races as with individuals, although tribes and nations have perished through the disruption of their ethnic life.

The Australian classes afford the first, and, so far as the writer is aware, the only case in which we are able to look down into the incipient stages of the organization into gentes, and even through it upon an anterior organization so archaic as that upon sex. It seems to afford a glimpse at society when it verged upon the primitive. Among other tribes the gens seems to have advanced in proportion to the curtailment of the conjugal system. Mankind rise in the scale and the family advances through its successive forms, as these rights sink down before the efforts of society to improve its internal organization.

The Australians might not have effected the overthrow of the classes in thousands of years if they had remained undiscovered; while more favored continental tribes had long before perfected the gens, then advanced it through its successive phases, and at last laid it aside after entering upon civilization. Facts illustrating the rise of successive social

organizations, such as that upon sex, and that upon kin are of the highest ethnological value. A knowledge of what they indicate is eminently desirable, if the early history of mankind is to be measurably recovered.

Among the Polynesian tribes the gens was unknown; but traces of a system analogous to the Australian classes appear in[Pg 61] the Hawaiian custom of punalua. Original ideas, absolutely independent of previous knowledge and experience, are necessarily few in number. Were it possible to reduce the sum of human ideas to underived originals, the small numerical result would be startling. Development is the method of human progress. In the light of these facts some of the excrescences of modern civilization, such as Mormonism, are seen to be relics of the old savagism not yet eradicated from the human brain. We have the same brain, perpetuated by reproduction, which worked in the skulls of barbarians and savages in by-gone ages; and it has come down to us ladened and saturated with the thoughts, aspirations and passions, with which it was busied through the intermediate periods. It is the same brain grown older and larger with the experience of the ages. These outcrops of barbarism are so many revelations of its ancient proclivities. They are explainable as a species of mental atavism.

Out of a few germs of thought, conceived in the early ages, have been evolved all the principal institutions of mankind. Beginning their growth in the period of savagery, fermenting through the period of barbarism, they have continued their advancement through the period of civilization. The evolution of these germs of thought has been guided by a natural logic which formed an essential attribute of the brain itself. So unerringly has this principle performed its functions in all conditions of experience, and in all periods of time, that its results are uniform, coherent and traceable in their courses. These results alone will in time yield convincing proofs of the unity of origin of mankind. The mental history of the human race, which is revealed in institutions, inventions and discoveries, is presumptively the history of a single species, perpetuated through individuals, and developed through experience. Among the original germs of thought, which have exercised the most powerful influence upon the human mind, and upon human destiny, are these which relate to government, to the family, to language, to religion, and to property. They had a definite beginning far back in savagery, and a logical progress, but can have no final consummation, because they are still progressing, and must ever continue to progress.

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CHAPTER II. - THE IROQUOIS GENS.

The Gentile Organization.—Its Wide Prevalence.—Definition of a Gens.—Descent in the Female Line the Archaic Rule.—Rights, Privileges and Obligations of Members of a Gens.—Right of Electing and Deposing its Sachem and Chiefs.—Obligation not to marry in the Gens.—Mutual Rights of Inheritance of the Property of deceased Members.—Reciprocal Obligations of Help, Defense and Redress of Injuries.—Right of Naming its Members.—Right of Adopting Strangers into the Gens.—Common Religious Rites, Query.—A Common Burial Place.—Council of the Gens.—Gentes named after Animals.—Number of Persons in a Gens.

The experience of mankind, as elsewhere remarked, has developed but two plans of government, using the word *plan* in its scientific sense. Both were definite and systematic

organizations of society. The first and most ancient was a *social organization*, founded upon gentes, phratries and tribes. The second and latest in time was a *political organization*, founded upon territory and upon property. Under the first a gentile society was created, in which the government dealt with persons through their relations to a gens and tribe. These relations were purely personal. Under the second a political society was instituted, in which the government dealt with persons through their relations to territory, *e. g.*—the township, the county, and the state. These relations were purely territorial. The two plans were fundamentally different. One belongs to ancient society, and the other to modern.

The gentile organization opens to us one of the oldest and most widely prevalent institutions of mankind. It furnished[Pg 63] the nearly universal plan of government of ancient society, Asiatic, European, African, American and Australian. It was the instrumentality by means of which society was organized and held together. Commencing in savagery, and continuing through the three sub-periods of barbarism, it remained until the establishment of political society, which did not occur until after civilization had commenced. The Grecian gens, phratry and tribe, the Roman gens, *curia* and tribe find their analogues in the gens, phratry and tribe of the American aborigines. In like manner, the Irish *sept*, the Scottish *clan*, the *phrara* of the Albanians, and the Sanskrit *ganas*, without extending the comparison further, are the same as the American Indian gens, which has usually been called a clan. As far as our knowledge extends, this organization runs through the entire ancient world upon all the continents, and it was brought down to the historical period by such tribes as attained to civilization. Nor is this all. Gentile society wherever found is the same in structural organization and in principles of action; but changing from lower to higher forms with the progressive advancement of the people. These changes give the history of development of the same original conceptions.

Gens, γένος, and *ganas* in Latin, Greek and Sanskrit have alike the primary signification of *kin*. They contain the same element as *gigno*, γίγνομαι, and *ganamai*, in the same languages, signifying *to beget*; thus implying in each an immediate common descent of the members of a gens. A gens, therefore, is a body of consanguinei descended from the same common ancestor, distinguished by a gentile name, and bound together by affinities of blood. It includes a moiety only of such descendants. Where descent is in the female line, as it was universally in the archaic period, the gens is composed of a supposed female ancestor and her children, together with the children of her female descendants, through females, in perpetuity; and where descent is in the male line—into which it was changed after the appearance of property in masses—of a supposed male ancestor and his children, together with the children of his male descendants, through males, in perpetuity. The family name among ourselves is a survival of the gentile[Pg 64] name, with descent in the male line, and passing in the same manner. The modern family, as expressed by its name, is an unorganized gens; with the bond of kin broken, and its members as widely dispersed as the family name is found.

Among the nations named, the gens indicated a social organization of a remarkable character, which had prevailed from an antiquity so remote that its origin was lost in the obscurity of far distant ages. It was also the unit of organization of a social and governmental system, the fundamental basis of ancient society. This organization was not

confined to the Latin, Grecian and Sanskrit speaking tribes, with whom it became such a conspicuous institution. It has been found in other branches of the Aryan family of nations, in the Semitic, Uralian and Turanian families, among the tribes of Africa and Australia, and of the American aborigines.

An exposition of the elementary constitution of the gens, with its functions, rights, and privileges, requires our first attention; after which it will be traced, as widely as possible, among the tribes and nations of mankind in order to prove, by comparisons, its fundamental unity. It will then be seen that it must be regarded as one of the primary institutions of mankind.

The gens has passed through successive stages of development in its transition from its archaic to its final form with the progress of mankind. These changes were limited, in the main, to two: firstly, changing descent from the female line, which was the archaic rule, as among the Iroquois, to the male line, which was the final rule, as among the Grecian and Roman gentes; and, secondly, changing the inheritance of the property of a deceased member of the gens from his gentiles, who took it in the archaic period, first to his agnatic kindred, and finally to his children. These changes, slight as they may seem, indicate very great changes of condition as well as a large degree of progressive development.

The gentile organization, originating in the period of savagery, enduring through the three sub-periods of barbarism, finally gave way, among the more advanced tribes, when they attained civilization, the requirements of which it was unable[Pg 65] to meet. Among the Greeks and Romans, political society supervened upon gentile society, but not until civilization had commenced. The township (and its equivalent, the city ward), with its fixed property, and the inhabitants it contained, organized as a body politic, became the unit and the basis of a new and radically different system of government. After political society was instituted, this ancient and time-honored organization, with the phratry and tribe developed from it, gradually yielded up their existence. It will be my object, in the course of this volume, to trace the progress of this organization from its rise in savagery to its final overthrow in civilization; for it was under gentile institutions that barbarism was won by some of the tribes of mankind while in savagery, and that civilization was won by the descendants of some of the same tribes while in barbarism. Gentile institutions carried a portion of mankind from savagery to civilization.

This organization may be successfully studied both in its living and in its historical forms in a large number of tribes and races. In such an investigation it is preferable to commence with the gens in its archaic form, and then to follow it through its successive modifications among advanced nations, in order to discover both the changes and the causes which produced them. I shall commence, therefore, with the gens as it now exists among the American aborigines, where it is found in its archaic form, and among whom its theoretical constitution and practical workings can be investigated more successfully than in the historical gentes of the Greeks and Romans. In fact to understand fully the gentes of the latter nations a knowledge of the functions, and of the rights, privileges and obligations of the members of the American Indian gens is imperatively necessary.

In American Ethnography *tribe* and *clan* have been used in the place of gens as an equivalent term, from not perceiving its universality. In previous works, and following my predecessors, I have so used them.[50] A comparison of the Indian clan [Pg 66]with the gens

of the Greeks and Romans reveals at once their identity in structure and functions. It also extends to the phratry and tribe. If the identity of these several organizations can be shown, of which there can be no doubt, there is a manifest propriety in returning to the Latin and Grecian terminologies which are full and precise as well as historical. I have made herein the substitutions required, and propose to show the parallelism of these several organizations.

The plan of government of the American aborigines commenced with the gens and ended with the confederacy, the latter being the highest point to which their governmental institutions attained. It gave for the organic series: first, the gens, a body of consanguinei having a common gentile name; second, the phratry, an assemblage of related gentes united in a higher association for certain common objects; third, the tribe, an assemblage of gentes, usually organized in phratries, all the members of which spoke the same dialect; and fourth, a confederacy of tribes, the members of which respectively spoke dialects of the same stock language. It resulted in a gentile society (*societas*), as distinguished from a political society or state (*civitas*). The difference between the two is wide and fundamental. There was neither a political society, nor a citizen, nor a state, nor any civilization in America when it was discovered. One entire ethnical period intervened between the highest American Indian tribes and the beginning of civilization, as that term is properly understood.

In like manner the plan of government of the Grecian tribes, anterior to civilization, involved the same organic series, with the exception of the last member: first, the gens, a body of consanguinei bearing a common gentile name; second, the phratry, an assemblage of gentes, united for social and religious objects; third, the tribe, an assemblage of gentes of the same lineage organized in phratries; and fourth, a nation, an assemblage of tribes who had coalesced in a gentile society upon one common territory, as the four tribes of the Athenians in Attica, and the three Dorian tribes at Sparta. Coalescence was a [Pg 67]higher process than confederating. In the latter case the tribes occupied independent territories.

The Roman plan and series were the same: First, the gens, a body of consanguinei bearing a common gentile name; second, the *curia*, an assemblage of gentes united in a higher association for the performance of religious and governmental functions; third, the tribe, an assemblage of gentes organized in *curiae*; and fourth, a nation, an assemblage of tribes who had coalesced in a gentile society. The early Romans styled themselves, with entire propriety, the *Populus Romanus*.

Wherever gentile institutions prevailed, and prior to the establishment of political society, we find peoples or nations in gentile societies, and nothing beyond. The *state* did not exist. Their governments were essentially democratical, because the principles on which the gens, phratry and tribe were organized were democratical. This last proposition, though contrary to received opinions, is historically important. The truth of it can be tested as the gens, phratry and tribe of the American aborigines, and the same organizations among the Greeks and Romans are successively considered. As the gens, the unit of organization, was essentially democratical, so necessarily was the phratry composed of gentes, the tribe composed of phratries, and the gentile society formed by the confederating, or coalescing of tribes.

The gens, though a very ancient social organization founded upon kin, does not include all the descendants of a common ancestor. It was for the reason that when the gens came in, marriage between single pairs was unknown, and descent through males could not be traced with certainty. Kindred were linked together chiefly through the bond of their maternity. In the ancient gens descent was limited to the female line. It embraced all such persons as traced their descent from a supposed common female ancestor, through females, the evidence of the fact being the possession of a common gentile name. It would include this ancestor and her children, the children of her daughters, and the children of her female descendants, through females, in perpetuity; whilst the children of her sons, and the children of her male descendants, through[Pg 68] males, would belong to other gentes; namely, those of their respective mothers. Such was the gens in its archaic form, when the paternity of children was not certainly ascertainable, and when their maternity afforded the only certain criterion of descents.

This state of descents, which can be traced back to the Middle Status of savagery, as among the Australians, remained among the American aborigines through the Upper Status of savagery, and into and through the Lower Status of barbarism, with occasional exceptions. In the Middle Status of barbarism, the Indian tribes began to change descent from the female line to the male, as the syndyasmian family of the period began to assume monogamian characteristics. In the Upper Status of barbarism, descent had become changed to the male line among the Grecian tribes, with the exception of the Lycians, and among the Italian tribes, with the exception of the Etruscans. The influence of property and its inheritance in producing the monogamian family which assured the paternity of children, and in causing a change of descent from the female line to the male, will be considered elsewhere. Between the two extremes, represented by the two rules of descent, three entire ethnical periods intervene, covering many thousands of years.

With descent in the male line, the gens embraced all persons who traced their descent from a supposed common male ancestor, through males only, the evidence of the fact being, as in the other case, the possession of a common gentile name. It would include this ancestor and his children, the children of his sons, and the children of his male descendants, through males, in perpetuity; whilst the children of his daughters, and the children of his female descendants, through females, would belong to other gentes; namely, those of their respective fathers. Those retained in the gens in one case were those excluded in the other, and *vice versâ*. Such was the gens in its final form, after the paternity of children became ascertainable through the rise of monogamy. The transition of a gens from one form into the other was perfectly simple, without involving its overthrow. All that was needed was an adequate motive, as will elsewhere be shown. The same gens, with descent changed to[Pg 69] the male line, remained the unit of the social system. It could not have reached the second form without previously existing in the first.

As intermarriage in the gens was prohibited, it withdrew its members from the evils of consanguine marriages, and thus tended to increase the vigor of the stock. The gens came into being upon three principal conceptions, namely the bond of kin, a pure lineage through descent in the female line, and non-intermarriage in the gens. When the idea of a gens was developed, it would naturally have taken the form of gentes in pairs, because the children of the males were excluded, and because it was equally necessary to organize both

classes of descendants. With two gentes started into being simultaneously the whole result would have been attained, since the males and females of one gens would marry the females and males of the other, and the children, following the gentes of their respective mothers, would be divided between them. Resting on the bond of kin as its cohesive principle the gens afforded to each individual member that personal protection which no other existing power could give.

After considering the rights, privileges and obligations of its members it will be necessary to follow the gens in its organic relations to a phratry, tribe and confederacy, in order to find the uses to which it was applied, the privileges which it conferred, and the principles which it fostered. The gentes of the Iroquois will be taken as the standard exemplification of this institution in the Ganowánian family. They had carried their scheme of government from the gens to the confederacy, making it complete in each of its parts, and an excellent illustration of the capabilities of the gentile organization in its archaic form. When discovered the Iroquois were in the Lower Status of barbarism, and well advanced in the arts of life pertaining to this condition. They manufactured nets twine and rope from filaments of bark; wove belts and burden straps, with warp and woof, from the same materials; they manufactured earthen vessels and pipes from clay mixed with siliceous materials and hardened by fire, some of which were ornamented with rude medallions; they cultivated maize, beans, squashes, and to[Pg 70]bacco, in garden beds, and made unleavened bread from pounded maize which they boiled in earthern vessels;[51] they tanned skins into leather with which they manufactured kilts leggings and moccasins; they used the bow and arrow and war-club as their principal weapons; used flint stone and bone implements, wore skin garments, and were expert hunters and fishermen. They constructed long joint-tenement houses large enough to accommodate five, ten, and twenty families, and each household practiced communism in living; but they were unacquainted with the use of stone or adobe-brick in house architecture, and with the use of the native metals. In mental capacity and in general advancement they were the representative branch of the Indian family north of New Mexico. General F. A. Walker has sketched their military career in two paragraphs: “The career of the Iroquois was simply terrific. They were the scourge of God upon the aborigines of the continent.”[52]

From lapse of time the Iroquois tribes have come to differ slightly in the number, and in the names of their respective gentes. The largest number being eight, as follows:

Senecas.—1. Wolf. 2. Bear. 3. Turtle. 4. Beaver. 5. Deer. 6. Snipe. 7. Heron. 8. Hawk.

Cayugas.—1. Wolf. 2. Bear. 3. Turtle. 4. Beaver. 5. Deer. 6. Snipe. 7. Eel. 8. Hawk.

Onondagas.—1. Wolf. 2. Bear. 3. Turtle. 4. Beaver. 5. Deer. 6. Snipe. 7. Eel. 8. Ball.

Oneidas.—1. Wolf. 2. Bear. 3. Turtle.

Mohawks.—1. Wolf. 2. Bear. 3. Turtle.

Tuscaroras.—1. Gray Wolf. 2. Bear. 3. Great Turtle. 4. Beaver. 5. Yellow Wolf. 6. Snipe. 7. Eel. 8. Little Turtle.

These changes show that certain gentes in some of the tribes have become extinct through the vicissitudes of time; and that others have been formed by the segmentation of over-full gentes.

With a knowledge of the rights, privileges and obligations [Pg 71]of the members of a gens, its capabilities as the unit of a social and governmental system will be more fully understood, as well as the manner in which it entered into the higher organizations of the phratry, tribe, and confederacy.

The gens is individualized by the following rights, privileges, and obligations conferred and imposed upon its members, and which made up the *jus gentilicium*.

I. *The right of electing its sachem and chiefs.*
II. *The right of deposing its sachem and chiefs.*
III. *The obligation not to marry in the gens.*
IV. *Mutual rights of inheritance of the property of deceased members.*
V. *Reciprocal obligations of help, defense, and redress of injuries.*
VI. *The right of bestowing names upon its members.*
VII. *The right of adopting strangers into the gens.*
VIII. *Common religious rites, query.*
IX. *A common burial place.*
X. *A council of the gens.*

These functions and attributes gave vitality as well as individuality to the organization, and protected the personal rights of its members.

I. *The right of electing its sachem and chiefs.*

Nearly all the American Indian tribes had two grades of chiefs, who may be distinguished as sachems and common chiefs. Of these two primary grades all other grades were varieties. They were elected in each gens from among its members. A son could not be chosen to succeed his father, where descent was in the female line, because he belonged to a different gens, and no gens would have a chief or sachem from any gens but its own. The office of sachem was hereditary in the gens, in the sense that it was filled as often as a vacancy occurred; while the office of chief was non-hereditary, because it was bestowed in reward of personal merit, and died with the individual. Moreover, the duties of a sachem were confined to the affairs of peace. He could not go out to war as a sachem. On the other hand, the chiefs who were raised to office for personal bravery, for wisdom in affairs, or for eloquence in council,[Pg 72] were usually the superior class in ability, though not in authority over the gens. The relation of the sachem was primarily to the gens, of which he was the official head; while that of the chief was primarily to the tribe, of the council of which he, as well as the sachem, were members.

The office of sachem had a natural foundation in the gens, as an organized body of consanguinei which, as such, needed a representative head. As an office, however, it is older than the gentile organization, since it is found among tribes not thus organized, but among whom it had a similar basis in the punaluan group, and even in the anterior horde. In the gens the constituency of the sachem was clearly defined, the basis of the relation was permanent, and its duties paternal. While the office was hereditary in the gens it was elective among its male members. When the Indian system of consanguinity is considered, it will be found that all the male members of a gens were either brothers to each other, own or collateral, uncles or nephews, own or collateral, or collateral grandfathers and grandsons.53 This will explain the succession of the office of sachem which passed from brother to brother, or from uncle to nephew, and very rarely from grandfather to grandson.

The choice, which was by free suffrage of both males and females of adult age, usually fell upon a brother of the deceased sachem, or upon one of the sons of a sister; an own brother, or the son of an own sister being most likely to be preferred. As between several brothers, own and collateral, on the one hand, and the sons of several sisters, own and collateral, on the other, there was no priority of right, for the reason that all the male members of the gens were equally eligible. To make a choice between them was the function of the elective principle.

Upon the death of a sachem, for example among the Seneca-Iroquois, a council of his gentiles[54] was convened to name his successor. Two candidates, according to their usages, must be voted upon, both of them members of the gens. Each per[Pg 73]son of adult age was called upon to express his or her preference, and the one who received the largest number of affirmative declarations was nominated. It still required the assent of the seven remaining gentes before the nomination was complete. If these gentes, who met for the purpose by phratries, refused to confirm the nomination it was thereby set aside, and the gens proceeded to make another choice. When the person nominated by his gens was accepted by the remaining gentes the election was complete; but it was still necessary that the new sachem should be *raised up*, to use their expression, or invested with his office by a council of the confederacy, before he could enter upon its duties. It was their method of conferring the *imperium*. In this manner the rights and interests of the several gentes were consulted and preserved; for the sachem of a gens was *ex officio* a member of the council of the tribe, and of the higher council of the confederacy. The same method of election and of confirmation existed with respect to the office of chief, and for the same reasons. But a general council was never convened to raise up chiefs below the grade of a sachem. They awaited the time when sachems were invested.

The principle of democracy, which was born of the gentes, manifested itself in the retention by the gentiles of the right to elect their sachem and chiefs, in the safeguards thrown around the office to prevent usurpation, and in the check upon the election held by the remaining gentes.

The chiefs in each gens were usually proportioned to the number of its members. Among the Seneca-Iroquois there is one chief for about every fifty persons. They now number in New York some three thousand, and have eight sachems and about sixty chiefs. There are reasons for supposing that the proportionate number is now greater than in former times. With respect to the number of gentes in a tribe, the more numerous the people the greater, usually, the number of gentes. The number varied in the different tribes, from three among the Delawares and Munsees to upwards of twenty among the Ojibwas and Creeks; six, eight, and ten being common numbers.

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II. *The right of deposing its sachem and chiefs.*

This right, which was not less important than that to elect, was reserved by the members of the gens. Although the office was nominally for life, the tenure was practically during good behavior, in consequence of the power to depose. The installation of a sachem was symbolized as “putting on the horns,” and his deposition as “taking off the horns.” Among widely separated tribes of mankind horns have been made the emblem of office and of

authority, suggested probably, as Tylor intimates, by the commanding appearance of the males among ruminant animals bearing horns. Unworthy behavior, followed by a loss of confidence, furnished a sufficient ground for deposition. When a sachem or chief had been deposed in due form by a council of his gens, he ceased thereafter to be recognized as such, and became thenceforth a private person. The council of the tribe also had power to depose both sachems and chiefs, without waiting for the action of the gens, and even against its wishes. Through the existence and occasional exercise of this power the supremacy of the gentiles over their sachem and chiefs was asserted and preserved. It also reveals the democratic constitution of the gens.

III. *The obligation not to marry in the gens.*

Although a negative proposition it was fundamental. It was evidently a primary object of the organization to isolate a moiety of the descendants of a supposed founder, and prevent their intermarriage for reasons of kin. When the gens came into existence brothers were intermarried to each other's wives in a group, and sisters to each other's husbands in a group, to which the gens interposed no obstacle. But it sought to exclude brothers and sisters from the marriage relation which was effected, as there are good reasons for stating, by the prohibition in question. Had the gens attempted to uproot the entire conjugal system of the period by its direct action, there is not the slightest probability that it would have worked its way into general establishment. The gens, originating probably in the ingenuity of a small band of savages, must soon have proved its utility in the production of superior men. Its nearly universal prevalence in the ancient world is the highest evidence[Pg 75] of the advantages it conferred, and of its adaptability to human wants in savagery and in barbarism. The Iroquois still adhere inflexibly to the rule which forbids persons to marry in their own gens.

IV. *Mutual rights of inheritance of the property of deceased members.*

In the Status of savagery, and in the Lower Status of barbarism, the amount of property was small. It consisted in the former condition of personal effects, to which, in the latter, were added possessory rights in joint-tenement houses and in gardens. The most valuable personal articles were buried with the body of the deceased owner. Nevertheless, the question of inheritance was certain to arise, to increase in importance with the increase of property in variety and amount, and to result in some settled rule of inheritance.

Accordingly we find the principle established low down in barbarism, and even back of that in savagery, that the property should remain in the gens, and be distributed among the gentiles of the deceased owner. It was customary law in the Grecian and Latin gentes in the Upper Status of barbarism, and remained as written law far into civilization, that the property of a deceased person should remain in the gens. But after the time of Solon among the Athenians it was limited to cases of intestacy.

The question, who should take the property, has given rise to three great and successive rules of inheritance. First, that it should be distributed among the gentiles of the deceased owner. This was the rule in the Lower Status of barbarism, and so far as is known in the Status of savagery. Second, that the property should be distributed among the agnatic kindred of the deceased owner, to the exclusion of the remaining gentiles. The germ of this rule makes its appearance in the Lower Status of barbarism, and it probably became completely established in the Middle Status. Third, that the property should be inherited by

the children of the deceased owner, to the exclusion of the remaining agnates. This became the rule in the Upper Status of barbarism.

Theoretically, the Iroquois were under the first rule; but, practically, the effects of a deceased person were appropriated[Pg 76] by his nearest relations within the gens. In the case of a male his own brothers and sisters and maternal uncles divided his effects among themselves. This practical limitation of the inheritance to the nearest gentile kin discloses the germ of agnatic inheritance. In the case of a female her property was inherited by her children and her sisters, to the exclusion of her brothers. In every case the property remained in the gens. The children of the deceased males took nothing from their father because they belonged to a different gens. It was for the same reason that the husband took nothing from the wife, or the wife from her husband. These mutual rights of inheritance strengthened the autonomy of the gens.

V. *Reciprocal obligations of help, defense, and redress of injuries.*

In civilized society the state assumes the protection of persons and of property. Accustomed to look to this source for the maintenance of personal rights, there has been a corresponding abatement of the strength of the bond of kin. But under gentile society the individual depended for security upon his gens. It took the place afterwards held by the state, and possessed the requisite numbers to render its guardianship effective. Within its membership the bond of kin was a powerful element for mutual support. To wrong a person was to wrong his gens; and to support a person was to stand behind him with the entire array of his gentile kindred.

In their trials and difficulties the members of the gens assisted each other. Two or three illustrations may be given from the Indian tribes at large. Speaking of the Mayas of Yucatan, Herrera remarks, that "when any satisfaction was to be made for damages, if he who was adjudged to pay was like to be reduced to poverty, the kindred contributed."55 By the term kindred, as here used, we are justified in understanding the gens. And of the Florida Indians: "When a brother or son dies the people of the house will rather starve than seek anything to eat during three months, but the kindred and relations send it all in."56 Persons who removed from one village to another could [Pg 77]not transfer their possessory right to cultivated lands or to a section of a joint-tenement house to a stranger; but must leave them to his gentile kindred. Herrera refers to this usage among the Indian tribes of Nicaragua; "He that removed from one town to another could not sell what he had, but must leave it to his nearest relation."57 So much of their property was held in joint ownership that their plan of life would not admit of its alienation to a person of another gens. Practically, the right to such property was possessory, and when abandoned it reverted to the gens. Garcilasso de la Vega remarks of the tribes of the Peruvian Andes, that "when the commonalty, or ordinary sort, married, the communities of the people were obliged to build and provide them houses."58 For *communities*, as here used, we are justified in understanding the gens. Herrera speaking of the same tribes observes that "this variety of tongues proceed from the nations being divided into races, tribes, or clans."59 Here the gentiles were required to assist newly married pairs in the construction of their houses.

The ancient practice of blood revenge, which has prevailed so widely in the tribes of mankind, had its birthplace in the gens. It rested with this body to avenge the murder of one of its members. Tribunals for the trial of criminals and laws prescribing their punishment, came late into existence in gentile society; but they made their appearance before the institution of political society. On the other hand, the crime of murder is as old as human society, and its punishment by the revenge of kinsmen is as old as the crime itself. Among the Iroquois and other Indian tribes generally, the obligation to avenge the murder of a kinsman was universally recognized.60

It was, however, the duty of the gens of the slayer, and of the slain, to attempt an adjustment of the crime before proceeding to extremities. A council of the members of each gens [Pg 78]was held separately, and propositions were made in behalf of the murderer for a condonation of the act, usually in the nature of expressions of regret and of presents of considerable value. If there were justifying or extenuating circumstances it generally resulted in a composition; but if the gentile kindred of the slain person were implacable, one or more avengers were appointed by his gens from among its members, whose duty it was to pursue the criminal until discovered, and then to slay him wherever he might be found. If they accomplished the deed it was no ground of complaint by any member of the gens of the victim. Life having answered for life the demands of justice were appeased.

The same sentiment of fraternity manifested itself in other ways in relieving a fellow gentilis in distress, and in protecting him from injuries.

VI. *The right of bestowing names upon its members.*

Among savage and barbarous tribes there is no name for the family. The personal names of individuals of the same family do not indicate any family connection between them. The family name is no older than civilization.61 Indian personal names, however, usually indicate the gens of the individual to persons of other gentes in the same tribe. As a rule each gens had names for persons that were its special property, and, as such, could not be used by other gentes of the same tribe. A gentile name conferred of itself gentile rights. These names either proclaimed by their signification the gens to which they belonged, or were known as such by common reputation.62

After the birth of a child a name was selected by its mother from those not in use belonging to the gens, with the concurrence of her nearest relatives, which was then bestowed upon [Pg 79]the infant. But the child was not fully christened until its birth and name, together with the name and gens of its mother and the name of its father, had been announced at the next ensuing council of the tribe. Upon the death of a person his name could not be used again in the life-time of his oldest surviving son without the consent of the latter.63

Two classes of names were in use, one adapted to childhood, and the other to adult life, which were exchanged at the proper period in the same formal manner; one being taken away, to use their expression, and the other bestowed in its place. *O-wi'-go, a canoe floating down the stream*, and *Ah-wou'-ne-ont, hanging flower*, are names for girls among the Seneca-Iroquois; and *Gä-ne-o-di'-yo, handsome lake*, and *Do-ne-ho-gä'-weh, door-keeper*, are names of adult males. At the age of sixteen or eighteen, the first name was

taken away, usually by a chief of the gens, and one of the second class bestowed in its place. At the next council of the tribe the change of names was publicly announced, after which the person, if a male, assumed the duties of manhood. In some Indian tribes the youth was required to go out upon the war-path and earn his second name by some act of personal bravery. After a severe illness it was not uncommon for the person, from superstitious considerations, to solicit and obtain a second change of name. It was sometimes done again in extreme old age. When a person was elected a sachem or a chief his name was taken away, and a new one conferred at the time of his installation. The individual had no control over the question of a change. It is the prerogative of the female relatives and of the chiefs; but an adult person might change his name provided he could induce a chief to announce it in council. A person having the control of a particular name, as the eldest son of that of his deceased father, might lend it to a friend in another gens; but after the death of the person thus bearing it the name reverted to the gens to which it belonged.

Among the Shawnees and Delawares the mother has now the right to name her child into any gens she pleases; and the [Pg 80]name given transfers the child to the gens to which the name belongs. But this is a wide departure from archaic usages, and exceptional in practice. It tends to corrupt and confound the gentile lineage. The names now in use among the Iroquois and among other Indian tribes are, in the main, ancient names handed down in the gentes from time immemorial.

The precautions taken with respect to the use of names belonging to the gens sufficiently prove the importance attached to them, and the gentile rights they confer.

Although this question of personal names branches out in many directions it is foreign to my purpose to do more than illustrate such general usages as reveal the relations of the members of a gens. In familiar intercourse and in formal salutation the American Indians address each other by the term of relationship the person spoken to sustains to the speaker. When related they salute by kin; when not related “my friend” is substituted. It would be esteemed an act of rudeness to address an Indian by his personal name, or to inquire his name directly from himself.

Our Saxon ancestors had single personal names down to the Norman conquest, with none to designate the family. This indicates the late appearance of the monogamian family among them; and it raises a presumption of the existence in an earlier period of a Saxon gens.

VII. *The right of adopting strangers into the gens.*

Another distinctive right of the gens was that of admitting new members by adoption. Captives taken in war were either put to death, or adopted into some gens. Women and children taken prisoners usually experienced clemency in this form. Adoption not only conferred gentile rights, but also the nationality of the tribe. The person adopting a captive placed him or her in the relation of a brother or sister; if a mother adopted, in that of a son or daughter; and ever afterwards treated the person in all respects as though born in that relation. Slavery, which in the Upper Status of barbarism became the fate of the captive, was unknown among tribes in the Lower Status in the aboriginal period. The gauntlet also had some connection with adoption, since the person who succeeded,[Pg 81] through hardihood or favoritism, in running through the lines in safety was entitled to this reward.

Captives when adopted were often assigned in the family the places of deceased persons slain in battle, in order to fill up the broken ranks of relatives. A declining gens might replenish its numbers, through adoption, although such instances are rare. At one time the Hawk gens of the Senecas were reduced to a small number of persons, and its extinction became imminent. To save the gens a number of persons from the Wolf gens by mutual consent were transferred in a body by adoption to that of the Hawk. The right to adopt seems to be left to the discretion of each gens.

Among the Iroquois the ceremony of adoption was performed at a public council of the tribe, which turned it practically into a religious rite.64

VIII. *Religious rites in the gens. Query.*

Among the Grecian and Latin tribes these rites held a conspicuous position. The highest polytheistic form of religion which had then appeared seems to have sprung from the gentes in which religious rites were constantly maintained. Some of them, from the sanctity they were supposed to possess, were nationalized. In some cities the office of high priest of certain divinities was hereditary in a particular gens.65 The gens became the natural centre of religious growth and the birthplace of religious ceremonies.

But the Indian tribes, although they had a polytheistic system, not much unlike that from which the Grecian and Roman must have sprung, had not attained that religious development which was so strongly impressed upon the gentes of the latter tribes. It can scarcely be said any Indian gens had special [Pg 82]religious rites; and yet their religious worship had a more or less direct connection with the gentes. It was here that religious ideas would naturally germinate and that forms of worship would be instituted. But they would expand from the gens over the tribe, rather than remain special to the gens.

Accordingly we find among the Iroquois six annual religious festivals, (Maple, Planting, Berry, Green-Corn, Harvest, and New Years Festivals)66 which were common to all the gentes united in a tribe, and which were observed at stated seasons of the year.

Each gens furnished a number of "Keepers of the Faith," both male and female, who together were charged with the celebration of these festivals.67 The number advanced to this office by each was regarded as evidence of the fidelity of the gens to religion. They designated the days for holding the festivals, made the necessary arrangements for their celebration, and conducted the ceremonies in conjunction with the sachems and chiefs of the tribe, who were, *ex officio*, "Keepers of the Faith." With no official head, and none of the marks of a priesthood, their functions were equal. The female "Keepers of the Faith" were more especially charged with the preparation of the feast, which was provided at all councils at the close of each day for all persons in attendance. It was a dinner in common.

The religious rites appertaining to these festivals, which have been described in a previous work,68 need not be considered further than to remark, that their worship was one of thanksgiving, with invocations to the Great Spirit, and to the Lesser Spirits to continue to them the blessings of life.

With the progress of mankind out of the Lower into the [Pg 83] Middle, and more especially out of the latter into the Upper Status of barbarism, the gens became more the centre of religious influence and the source of religious development. We have only the grosser part of the Aztec religious system; but in addition to national gods, there seem to

have been other gods, belonging to smaller divisions of the people than the phratries. The existence of an Aztec ritual and priesthood would lead us to expect among them a closer connection of religious rites with the gentes than is found among the Iroquois; but their religious beliefs and observances are under the same cloud of obscurity as their social organization.

IX. *A common burial place.*

An ancient but not exclusive mode of burial was by scaffolding the body until the flesh had wasted, after which the bones were collected and preserved in bark barrels in a house constructed for their reception. Those belonging to the same gens were usually placed in the same house. The Rev. Dr. Cyrus Byington found these practices among the Choctas in 1827; and Adair mentions usages among the Cherokees substantially the same. "I saw three of them," he remarks, "in one of their towns pretty near each other; * * * Each house contained the bones of one tribe separately, with the hieroglyphical figures of each family [gens] on each of the odd-shaped arks. They reckoned it irreligious to mix the bones of a relative with those of a stranger, as bone of bone and flesh of flesh should always be joined together."69 The Iroquois in ancient times used scaffolds and preserved the bones of deceased relatives in bark barrels, often keeping them in the house they occupied. They also buried in the ground. In the latter case those of the same gens were not always buried locally together unless they had a common cemetery for the village. The late Rev. Ashur Wright, so long a missionary among the Senecas, and a noble specimen of the American missionary, wrote to the author as follows; "I find no trace of the influence of clanship in the burial places of the dead. I believe that they buried promiscuously. However, they say that formerly the members of the different clans more fre[Pg 84]quently resided together than they do at the present time. As one family they were more under the influence of family feeling, and had less of individual interest. Hence, it might occasionally happen that a large proportion of the dead in some particular burying place might be of the same clan." Mr. Wright is undoubtedly correct that in a particular cemetery members of all the gentes established in a village would be buried; but they might keep those of the same gens locally together. An illustration in point is now found at the Tuscarora reservation near Lewiston, where the tribe has one common cemetery, and where individuals of the same gens are buried in a row by themselves. One row is composed of the graves of the deceased members of the Beaver gens, two rows of the members of the Bear gens, one row of the Gray Wolf, one of the Great Turtle, and so on to the number of eight rows. Husband and wife are separated from each other and buried in different rows; fathers and their children the same; but mothers and their children and brothers and sisters are found in the same row. It shows the power of gentile feeling, and the quickness with which ancient usages are reverted to under favorable conditions; for the Tuscaroras are now christianized without surrendering the practice. An Onondaga Indian informed the writer that the same mode of burial by gentes now prevailed at the Onondaga and Oneida cemeteries. While this usage, perhaps, cannot be declared general among the Indian tribes, there was undoubtedly in ancient times a tendency to, and preference for this mode of burial. Among the Iroquois, and what is true of them is generally true of other Indian tribes in the same status of advancement, all the members of the gens are mourners at the funeral of a

deceased gentilis. The addresses at the funeral, the preparation of the grave, and the burial of the body were performed by members of other gentes.

The Village Indians of Mexico and Central America practiced a slovenly cremation, as well as scaffolding, and burying in the ground. The former was confined to chiefs and prominent men.

X. *A council of the gens.*

The council was the great feature of ancient society, Asi[Pg 85]atic, European and American, from the institution of the gens in savagery to civilization. It was the instrument of government as well as the supreme authority over the gens, the tribe, and the confederacy. Ordinary affairs were adjusted by the chiefs; but those of general interest were submitted to the determination of a council. As the council sprang from the gentile organization the two institutions have come down together through the ages. The Council of Chiefs represents the ancient method of evolving the wisdom of mankind and applying it to human affairs. Its history, gentile, tribal, and confederate, would express the growth of the idea of government in its whole development, until political society supervened into which the council, changed into a senate, was transmitted.

The simplest and lowest form of the council was that of the gens. It was a democratic assembly because every adult male and female member had a voice upon all questions brought before it. It elected and deposed its sachem and chiefs, it elected Keepers of the Faith, it condoned or avenged the murder of a gentilis, and it adopted persons into the gens. It was the germ of the higher council of the tribe, and of that still higher of the confederacy, each of which was composed exclusively of chiefs as representatives of the gentes.

Such were the rights, privileges and obligations of the members of an Iroquois gens; and such were those of the members of the gentes of the Indian tribes generally, as far as the investigation has been carried. When the gentes of the Grecian and Latin tribes are considered, the same rights privileges and obligations will be found to exist, with the exception of the I, II, and VI; and with respect to these their ancient existence is probable though the proof is not perhaps attainable.

All the members of an Iroquois gens were personally free, and they were bound to defend each other's freedom; they were equal in privileges and in personal rights, the sachem and chiefs claiming no superiority; and they were a brotherhood bound together by the ties of kin. Liberty, equality, and fraternity, though never formulated, were cardinal principles of the gens. These facts are material, because the gens was the unit of a social and governmental system, the foundation upon which[Pg 86] Indian society was organized. A structure composed of such units would of necessity bear the impress of their character, for as the unit so the compound. It serves to explain that sense of independence and personal dignity universally an attribute of Indian character.

Thus substantial and important in the social system was the gens as it anciently existed among the American aborigines, and as it still exists in full vitality in many Indian tribes. It was the basis of the phratry, of the tribe, and of the confederacy of tribes. Its functions might have been presented more elaborately in several particulars; but sufficient has been given to show its permanent and durable character.

At the epoch of European discovery the American Indian tribes generally were organized in gentes, with descent in the female line. In some tribes, as among the Dakotas, the gentes had fallen out; in others, as among the Ojibwas, the Omahas, and the Mayas of Yucatan, descent had been changed from the female to the male line. Throughout aboriginal America the gens took its name from some animal, or inanimate object, and never from a person. In this early condition of society, the individuality of persons was lost in the gens. It is at least presumable that the gentes of the Grecian and Latin tribes were so named at some anterior period; but when they first came under historical notice, they were named after persons. In some of the tribes, as the Moqui Village Indians of New Mexico, the members of the gens claimed their descent from the animal whose name they bore—their remote ancestors having been transformed by the Great Spirit from the animal into the human form. The Crane gens of the Ojibwas have a similar legend. In some tribes the members of a gens will not eat the animal whose name they bear, in which they are doubtless influenced by this consideration.

With respect to the number of persons in a gens it varied with the number of the gentes, and with the prosperity or decadence of the tribe. Three thousand Senecas divided equally among eight gentes would give an average of three hundred and seventy-five persons to a gens. Fifteen thousand Ojibwas divided equally among twenty-three gentes would give[Pg 87] six hundred and fifty persons to a gens. The Cherokees would average more than a thousand to a gens. In the present condition of the principal Indian tribes the number of persons in each gens would range from one hundred to a thousand.

One of the oldest and most widely prevalent institutions of mankind, the gentes have been closely identified with human progress upon which they have exercised a powerful influence. They have been found in tribes in the Status of savagery, in the Lower, in the Middle, and in the Upper Status of barbarism on different continents, and in full vitality in the Grecian and Latin tribes after civilization had commenced. Every family of mankind, except the Polynesian, seems to have come under the gentile organization, and to have been indebted to it for preservation, and for the means of progress. It finds its only parallel in length of duration in systems of consanguinity, which, springing up at a still earlier period, have remained to the present time, although the marriage usages in which they originated have long since disappeared.

From its early institution, and from its maintenance through such immense stretches of time, the peculiar adaptation of the gentile organization to mankind, while in a savage and in a barbarous state, must be regarded as abundantly demonstrated.

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CHAPTER III. - THE IROQUOIS PHRATRY.

Definition of a Phratry.—Kindred Gentes Reunited in a Higher Organization.—Phratry of the Iroquois Tribes.—Its Composition.—Its Uses and Functions.—Social and Religious.—Illustrations.—The Analogue of the Grecian Phratry; but in its Archaic Form.—Phratries of the Choctas.—Of the Chickasas.—Of the Mohegans.—Of the Thlin-keets.—Their Probable Universality in the Tribes of the American Aborigines.

The phratry (φρατρία) is a brotherhood, as the term imports, and a natural growth from the organization into gentes. It is an organic union or association of two or more gentes of the

same tribe for certain common objects. These gentes were usually such as had been formed by the segmentation of an original gens.

Among the Grecian tribes, where the phratric organization was nearly as constant as the gens, it became a very conspicuous institution. Each of the four tribes of the Athenians was organized in three phratries, each composed of thirty gentes, making a total of twelve phratries and three hundred and sixty gentes. Such precise numerical uniformity in the composition of each phratry and tribe could not have resulted from the subdivision of gentes through natural processes. It must have been produced, as Mr. Grote suggests, by legislative procurement in the interests of a symmetrical organization. All the gentes of a tribe, as a rule, were of common descent and bore a common tribal name, consequently it would not require severe constraint to unite the specified number in each phra[Pg 89]try, and to form the specified number of phratries in each tribe. But the phratric organization had a natural foundation in the immediate kinship of certain gentes as subdivisions of an original gens, which undoubtedly was the basis on which the Grecian phratry was originally formed. The incorporation of alien gentes, and transfers by consent or constraint, would explain the numerical adjustment of the gentes and phratries in the Athenian tribes.

The Roman *curia* was the analogue of the Grecian phratry. It is constantly mentioned by Dionysius as a phratry.[70] There were ten gentes in each *curia*, and ten *curiae* in each of the three Roman tribes, making thirty *curiae* and three hundred gentes of the Romans. The functions of the Roman *curia* are much better known than those of the Grecian phratry, and were higher in degree because the *curia* entered directly into the functions of government. The assembly of the gentes (*comitia curiata*) voted by *curiae*, each having one collective vote. This assembly was the sovereign power of the Roman People down to the time of Servius Tullius.

Among the functions of the Grecian phratry was the observance of special religious rites, the condonation or revenge of the murder of a phrator, and the purification of a murderer after he had escaped the penalty of his crime preparatory to his restoration to society.[71] At a later period among the Athenians—for the phratry at Athens survived the institution of political society under Cleisthenes—it looked after the registration of citizens, thus becoming the guardian of descents and of the evidence of citizenship. The wife upon her marriage was enrolled in the phratry of her husband, and the children of the marriage were enrolled in the gens and phratry of their father. It was also the duty of this organization to prosecute the murderer of a phrator in the courts of justice. These are among its known objects and functions in the earlier and later periods. Were all the particulars fully ascertained, the phratry [Pg 90]would probably manifest itself in connection with the common tables, the public games, the funerals of distinguished men, the earliest army organization, and the proceedings of councils, as well as in the observance of religious rites and in the guardianship of social privileges.

The phratry existed in a large number of the tribes of the American aborigines, where it is seen to arise by natural growth, and to stand as the second member of the organic series, as among the Grecian and Latin tribes. It did not possess original governmental functions, as the gens, tribe and confederacy possessed them; but it was endowed with certain useful powers in the social system, from the necessity for some organization larger than a gens

and smaller than a tribe, and especially when the tribe was large. The same institution in essential features and in character, it presents the organization in its archaic form and with its archaic functions. A knowledge of the Indian phratry is necessary to an intelligent understanding of the Grecian and the Roman.

The eight gentes of the Seneca-Iroquois tribe were reintegrated in two phratries as follows:

First Phratry.

Gentes.—1. Bear. 2. Wolf. 3. Beaver. 4. Turtle.

Second Phratry.

Gentes.—5. Deer. 6. Snipe. 7. Heron. 8. Hawk.

Each phratry (De-ă-non-dă′-a-yoh) is a brotherhood as this term also imports. The gentes in the same phratry are brother gentes to each other, and cousin gentes to those of the other phratry. They are equal in grade, character and privileges. It is a common practice of the Senecas to call the gentes of their own phratry brother gentes, and those of the other phratry their cousin gentes, when they mention them in their relation to the phratries. Originally marriage was not allowed between the members of the same phratry; but the members of either could marry into any gens of the other. This prohibition tends to show that the gentes of each phratry were subdivisions of an original gens, and therefore the prohibition against marrying into a person's own gens had followed to its subdivisions. This restriction, however, was long since removed, except with[Pg 91] respect to the gens of the individual. A tradition of the Senecas affirms that the Bear and the Deer were the original gentes, of which the others were subdivisions. It is thus seen that the phratry had a natural foundation in the kinship of the gentes of which it was composed. After their subdivision from increase of numbers there was a natural tendency to their reunion in a higher organization for objects common to them all. The same gentes are not constant in a phratry indefinitely, as will appear when the composition of the phratries in the remaining Iroquois tribes is considered. Transfers of particular gentes from one phratry to the other must have occurred when the equilibrium in their respective numbers was disturbed. It is important to know the simple manner in which this organization springs up, and the facility with which it is managed, as a part of the social system of ancient society. With the increase of numbers in a gens, followed by local separation of its members, segmentation occurred, and the seceding portion adopted a new gentile name. But a tradition of their former unity would remain, and become the basis of their reorganization in a phratry.

In like manner the Cayuga-Iroquois have eight gentes in two phratries; but these gentes are not divided equally between them. They are the following:

First Phratry.

Gentes.—1. Bear. 2. Wolf. 3. Turtle. 4. Snipe. 5. Eel.

Second Phratry.

Gentes.—6. Deer. 7. Beaver. 8. Hawk.

Seven of these gentes are the same as those of the Senecas; but the Heron gens has disappeared, and the Eel takes its place, but transferred to the opposite phratry. The Beaver and the Turtle gentes also have exchanged phratries. The Cayugas style the gentes of the same phratry brother gentes to each other, and those of the opposite phratry their cousin gentes.

The Onondaga-Iroquois have the same number of gentes, but two of them differ in name from those of the Senecas. They are organized in two phratries as follows:

First Phratry.

Gentes.—1. Wolf. 2. Turtle. 3. Snipe. 4. Beaver. 5. Ball.

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Second Phratry.

Gentes.—6. Deer. 7. Eel. 8. Bear.

Here again the composition of the phratries is different from that of the Senecas. Three of the gentes in the first phratry are the same in each; but the Bear gens has been transferred to the opposite phratry and is now found with the Deer. The division of gentes is also unequal, as among the Cayugas. The gentes in the same phratry are called brother gentes to each other, and those in the other their cousin gentes. While the Onondagas have no Hawk, the Senecas have no Eel gens; but the members of the two fraternize when they meet, claiming that there is a connection between them.

The Mohawks and Oneidas have but three gentes, the Bear, the Wolf, and the Turtle, and no phratries. When the confederacy was formed, seven of the eight Seneca gentes existed in the several tribes as is shown by the establishment of sachemships in them; but the Mohawks and Oneidas then had only the three named. It shows that they had then lost an entire phratry, and one gens of that remaining, if it is assumed that the original tribes were once composed of the same gentes. When a tribe organized in gentes and phratries subdivides, it might occur on the line of the phratric organization. Although the members of a tribe are intermingled throughout by marriage, each gens in a phratry is composed of females with their children and descendants, through females, who formed the body of the phratry. They would incline at least to remain locally together, and thus might become detached in a body. The male members of the gens married to women of other gentes and remaining with their wives would not affect the gens since the children of the males do not belong to its connection. If the minute history of the Indian tribes is ever recovered it must be sought through the gentes and phratries, which can be followed from tribe to tribe. In such an investigation it will deserve attention whether tribes ever disintegrated by phratries. It is at least improbable.

The Tuscarora-Iroquois became detached from the main stock at some unknown period in the past, and inhabited the Neuse river region in North Carolina at the time of their dis[Pg 93]covery. About A. D. 1712 they were forced out of this area, whereupon they removed to the country of the Iroquois and were admitted into the confederacy as a sixth member. They have eight gentes organized in two phratries, as follows:

First Phratry.

Gentes.—1. Bear. 2. Beaver. 3. Great Turtle. 4. Eel.

Second Phratry.

Gentes.—5. Gray Wolf. 6. Yellow Wolf. 7. Little Turtle. 8. Snipe.

They have six gentes in common with the Cayugas and Onondagas, five in common with the Senecas, and three in common with the Mohawks and Oneidas. The Deer gens, which they once possessed, became extinct in modern times. It will be noticed, also, that the Wolf gens is now divided into two, the Gray and the Yellow, and the Turtle into two, the Great and Little. Three of the gentes in the first phratry are the same with three in the first phratry

of the Senecas and Cayugas, with the exception that the Wolf gens is double. As several hundred years elapsed between the separation of the Tuscaroras from their congeners and their return, it affords some evidence of permanence in the existence of a gens. The gentes in the same phratry are called brother gentes to each other, and those in the other phratry their cousin gentes, as among the other tribes.

From the differences in the composition of the phratries in the several tribes it seems probable that the phratries are modified in their gentes at intervals of time to meet changes of condition. Some gentes prosper and increase in numbers, while others through calamities decline, and others become extinct; so that transfers of gentes from one phratry to another were found necessary to preserve some degree of equality in the number of phrators in each. The phratric organization has existed among the Iroquois from time immemorial. It is probably older than the confederacy which was established more than four centuries ago. The amount of difference in their composition, as to the gentes they contain, represents the vicissitudes through which each tribe has passed in the interval. In any view of the matter it is small, tending to illustrate the permanence of the phratry as well as the gens.

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The Iroquois tribes had a total of thirty-eight gentes, and in four of the tribes a total of eight phratries.

In its objects and uses the Iroquois phratry falls below the Grecian, as would be supposed, although our knowledge of the functions of the latter is limited; and below what is known of the uses of the phratry among the Roman tribes. In comparing the latter with the former we pass backward through two ethnical periods, and into a very different condition of society. The difference is in the degree of progress, and not in kind; for we have the same institution in each race, derived from the same or a similar germ, and preserved by each through immense periods of time as a part of a social system. Gentile society remained of necessity among the Grecian and Roman tribes until political society supervened; and it remained among the Iroquois tribes because they were still two ethnical periods below civilization. Every fact, therefore, in relation to the functions and uses of the Indian phratry is important, because it tends to illustrate the archaic character of an institution which became so influential in a more developed condition of society.

The phratry, among the Iroquois, was partly for social and partly for religious objects. Its functions and uses can be best shown by practical illustrations. We begin with the lowest, with games, which were of common occurrence at tribal and confederate councils. In the ball game, for example, among the Senecas, they play by phratries, one against the other; and they bet against each other upon the result of the game. Each phratry puts forward its best players, usually from six to ten on a side, and the members of each phratry assemble together but upon opposite sides of the field in which the game is played. Before it commences, articles of personal property are hazarded upon the result by members of the opposite phratries. These are deposited with keepers to abide the event. The game is played with spirit and enthusiasm, and is an exciting spectacle. The members of each phratry, from their opposite stations, watch the game with eagerness, and cheer their respective players at every successful turn of the game.72

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In many ways the phratric organization manifested itself. At a council of the tribe the sachems and chiefs in each phratry usually seated themselves on opposite sides of an imaginary council-fire, and the speakers addressed the two opposite bodies as the representatives of the phratries. Formalities, such as these, have a a peculiar charm for the Red Man in the transaction of business.

Again; when a murder had been committed it was usual for the gens of the murdered person to meet in council; and, after ascertaining the facts, to take measures for avenging the deed. The gens of the criminal also held a council, and endeavored to effect an adjustment or condonation of the crime with the gens of the murdered person. But it often happened that the gens of the criminal called upon the other gentes of their phratry, when the slayer and the slain belonged to opposite phratries, to unite with them to obtain a condonation of the crime. In such a case the phratry held a council, and then addressed itself to the other phratry to which it sent a delegation with a belt of white wampum asking for a council of the phratry, and for an adjustment of the crime. They offered reparation to the family and gens of the murdered person in expressions of regret and in presents of value. Negotiations were continued between the two councils until an affirmative or a negative conclusion was reached. The influence of a phratry composed of several gentes would be greater than that of a single gens; and by calling into action the opposite phratry the probability of a condonation would be increased, especially if there were extenuating circumstances. We may thus see how naturally the Grecian phratry, prior to civilization, assumed the principal though not exclusive management of cases of murder, and also of the purification of the murderer if he escaped punishment; and, after the institution of political society, with what propriety the phratry assumed the duty of prosecuting the murderer in the courts of justice.

At the funerals of persons of recognized importance in the tribe, the phratric organization manifested itself in a conspicuous manner. The phrators of the decedent in a body were the mourners, and the members of the opposite phratry conducted[Pg 96] the ceremonies. In the case of a sachem it was usual for the opposite phratry to send, immediately after the funeral, the official wampum belt of the deceased ruler to the central council fire at Onondaga, as a notification of his demise. This was retained until the installation of his successor, when it was bestowed upon him as the insignia of his office. At the funeral of Handsome Lake (Gä-ne-o-di′-yo), one of the eight Seneca sachems (which occurred some years ago), there was an assemblage of sachems and chiefs to the number of twenty-seven, and a large concourse of members of both phratries. The customary address to the dead body, and the other addresses before the removal of the body, were made by members of the opposite phratry. After the addresses were concluded, the body was borne to the grave by persons selected from the last named phratry, followed, first, by the sachems and chiefs, then by the family and gens of the decedent, next by his remaining phrators, and last by the members of the opposite phratry. After the body had been deposited in the grave the sachems and chiefs formed in a circle around it for the purpose of filling it with earth. Each in turn, commencing with the senior in years, cast in three shovelfuls, a typical number in their religious system; of which the first had relation to the Great Spirit, the second to the Sun, and the third to Mother Earth. When the grave was filled the senior sachem, by a figure of speech, deposited “the horns” of the departed sachem, emblematical of his office,

upon the top of the grave over his head, there to remain until his successor was installed. In that subsequent ceremony, "the horns" were said to be taken from the grave of the deceased ruler, and placed upon the head of his successor.73 The social and religious functions of the phratry, and its naturalness in the organic system of ancient society, are rendered apparent by this single usage.

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The phratry was also directly concerned in the election of sachems and chiefs of the several gentes, upon which they had a negative as well as a confirmative vote. After the gens of a deceased sachem had elected his successor, or had elected a chief of the second grade, it was necessary, as elsewhere stated, that their choice should be accepted and confirmed by each phratry. It was expected that the gentes of the same phratry would confirm the choice almost as a matter of course; but the opposite phratry also must acquiesce, and from this source opposition sometimes appeared. A council of each phratry was held and pronounced upon the question of acceptance or rejection. If the nomination made was accepted by both it became complete; but if either refused it was thereby set aside, and a new election was made by the gens. When the choice made by the gens had been accepted by the phratries, it was still necessary, as before stated, that the new sachem, or the new chief, should be invested by the council of the confederacy, which alone had power to invest, with office.

The Senecas have now lost their Medicine Lodges which fell out in modern times; but they formerly existed and formed a prominent part of their religious system. To hold a Medicine Lodge was to observe their highest religious rites, and to practice their highest religious mysteries. They had two such organizations, one in each phratry, which shows still further the natural connection of the phratry with religious observances. Very little is now known concerning these lodges or their ceremonies. Each was a brotherhood, into which new members were admitted by a formal initiation.

The phratry was without governmental functions in the strict sense of the phrase, these being confined to the gens, tribe and confederacy; but it entered into their social affairs with large administrative powers, and would have concerned itself more and more with their religious affairs as the condition of the people advanced. Unlike the Grecian phratry and the Roman *curia* it had no official head. There was no chief of the phratry as such, and no religious functionaries belonging to it as distinguished from the gens and tribe. The phratric institution among the Iroquois was in its rudimentary archaic form;[Pg 98] but it grew into life by natural and inevitable development, and remained permanent because it met necessary wants. Every institution of mankind which attained permanence will be found linked with a perpetual want. With the gens, tribe and confederacy in existence the presence of the phratry was substantially assured. It required time, however, and further experience to manifest all the uses to which it might be made subservient.

Among the Village Indians of Mexico and Central America the phratry must have existed, reasoning upon general principles; and have been a more fully developed and influential organization than among the Iroquois. Unfortunately, mere glimpses at such an institution are all that can be found in the teeming narratives of the Spanish writers within the first century after the Spanish conquest. The four "lineages" of the Tlascalans who occupied the four quarters of the pueblo of Tlascala, were, in all probability, so many phratries. They

were sufficiently numerous for four tribes; but as they occupied the same pueblo and spoke the same dialect the phratric organization was apparently a necessity. Each lineage, or phratry so to call it, had a distinct military organization, a peculiar costume and banner, and its head war-chief (*Teuctli*), who was its general military commander. They went forth to battle by phratries. The organization of a military force by phratries and by tribes was not unknown to the Homeric Greeks. Thus; Nestor advises Agamemnon to "separate the troops by phratries and by tribes, so that phratry may support phratry and tribe tribe."74
Under gentile institutions of the most advanced type the principle of kin became, to a considerable extent, the basis of the army organization. The Aztecs, in like manner, occupied the pueblo of Mexico in four distinct divisions, the people of each of which were more nearly related to each other than to the people of the other divisions. They were separate lineages, like the Tlascalan, and it seems highly probable were four phratries, separately organized as such. They were distinguished from each other by costumes and standards, and went out to war as separate divisions. Their [Pg 99]geographical areas were called the four quarters of Mexico. This subject will be referred to again.
With respect to the prevalence of this organization, among the Indian tribes in the Lower Status of barbarism, the subject has been but slightly investigated. It is probable that it was general in the principal tribes, from the natural manner in which it springs up as a necessary member of the organic series, and from the uses, other than governmental, to which it was adapted.
In some of the tribes the phratries stand out prominently upon the face of their organization. Thus, the Chocta gentes are united in two phratries which must be mentioned first in order to show the relation of the gentes to each other. The first phratry is called "Divided People," and contains four gentes. The second is called "Beloved People," and also contains four gentes. This separation of the people into two divisions by gentes created two phratries. Some knowledge of the functions of these phratries is of course desirable; but without it, the fact of their existence is established by the divisions themselves. The evolution of a confederacy from a pair of gentes, for less than two are never found in any tribe, may be deduced, theoretically, from the known facts of Indian experience. Thus, the gens increases in the number of its members and divides into two; these again subdivide, and in time reunite in two or more phratries. These phratries form a tribe, and its members speak the same dialect. In course of time this tribe falls into several by the process of segmentation, which in turn reunite in a confederacy. Such a confederacy is a growth, through the tribe and phratry, from a pair of gentes.
The Chickasas are organized in two phratries, of which one contains four, and the other eight gentes, as follows:

I. *Panther Phratry.*

Gentes.—1. Wild Cat. 2. Bird. 3. Fish. 4. Deer.

II. *Spanish Phratry.*

Gentes.—5. Raccoon. 6. Spanish. 7. Royal. 8. Hush-ko′-ni. 9. Squirrel. 10. Alligator, 11. Wolf. 12. Blackbird.

The particulars with respect to the Chocta and Chickasa phratries I am unable to present. Some fourteen years ago[Pg 100] these organizations were given to me by Rev. Doctor

Cyrus Byington and Rev. Charles C. Copeland, but without discussing their uses and functions.

A very complete illustration of the manner in which phratries are formed by natural growth, through the subdivision of gentes, is presented by the organization of the Mohegan tribe. It had three original gentes, the Wolf, the Turtle, and the Turkey.

Each of these subdivided, and the subdivisions became independent gentes; but they retained the names of the original gentes as their respective phratric names. In other words the subdivisions of each gens reorganized in a phratry. It proves conclusively the natural process by which, in course of time, a gens breaks up into several, and these remain united in a phratric organization, which is expressed by assuming a phratric name. They are as follows:

I. *Wolf Phratry.*

Gentes.—1. Wolf. 2. Bear. 3. Dog. 4. Opossum.

II. *Turtle Phratry.*

Gentes.—5. Little Turtle. 6. Mud Turtle. 7. Great Turtle. 8. Yellow Eel.

III. *Turkey Phratry.*

Gentes.—9. Turkey. 10. Crane. 11. Chicken.

It is thus seen that the original Wolf gens divided into four gentes, the Turtle into four, and the Turkey into three. Each new gens took a new name, the original retaining its own, which became, by seniority, that of the phratry. It is rare among the American Indian tribes to find such plain evidence of the segmentation of gentes in their external organization, followed by the formation into phratries of their respective subdivisions. It shows also that the phratry is founded upon the kinship of the gentes. As a rule the name of the original gens out of which others had formed is not known; but in each of these cases it remains as the name of the phratry. Since the latter, like the Grecian, was a social and religious rather than a governmental organization, it is externally less conspicuous than a gens or tribe which were essential to the government of society. The name of but one of the twelve Athenian phratries has come down to us in history. Those of the Iroquois had no name but that of a brotherhood.

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The Delawares and Munsees have the same three gentes, the Wolf, the Turtle, and the Turkey. Among the Delawares there are twelve embryo gentes in each tribe, but they seem to be lineages within the gentes and had not taken gentile names. It was a movement, however, in that direction.

The phratry also appears among the Thlinkeets of the Northwest coast, upon the surface of their organization into gentes. They have two phratries, as follows:

I. *Wolf Phratry.*

Gentes.—1. Bear. 2. Eagle. 3. Dolphin. 4. Shark. 5. Alca.

II. *Raven Phratry.*

Gentes.—6. Frog. 7. Goose. 8. Sea-lion. 9. Owl. 10. Salmon.

Intermarriage in the phratry is prohibited, which shows, of itself, that the gentes of each phratry were derived from an original gens.[75] The members of any gens in the Wolf phratry could marry into any gens of the opposite phratry, and *vice versâ*.

From the foregoing facts the existence of the phratry is established in several linguistic stocks of the American aborigines. Its presence in the tribes named raises a presumption of its general prevalence in the Ganowánian family. Among the Village Indians, where the numbers in a gens and tribe were greater, it would necessarily have been more important and consequently more fully developed. As an institution it was still in its archaic form, but it possessed the essential elements of the Grecian and the Roman. It can now be asserted that the full organic series of ancient society exists in full vitality upon the American continent; namely, the gens, the phratry, the tribe, and the confederacy of tribes. With further proofs yet to be adduced, the universality of the gentile organization upon all the continents will be established.

If future investigation is directed specially to the functions of the phratric organization among the tribes of the American aborigines, the knowledge gained will explain many peculiarities of Indian life and manners not well understood, and throw additional light upon their usages and customs, and upon their plan of life and government.

CHAPTER IV. - THE IROQUOIS TRIBE.

The Tribe as an Organization.—Composed of Gentes Speaking the same Dialect.—Separation in area led to Divergence of Speech, and Segmentation.—The Tribe a Natural Growth.—Illustrations.—Attributes of a Tribe.—A Territory and Name.—An Exclusive Dialect.—The Right to Invest and Depose its Sachems and Chiefs.—A Religious Faith and Worship.—A Council of Chiefs.—A Head-Chief of Tribe in some Instances. —Three Successive Forms of Gentile Government: First, a Government of One Power; Second, of Two Powers; Third, of Three Powers.

It is difficult to describe an Indian tribe by the affirmative elements of its composition. Nevertheless it is clearly marked, and the ultimate organization of the great body of the American aborigines. The large number of independent tribes into which they had fallen by the natural process of segmentation, is the striking characteristic of their condition. Each tribe was individualized by a name, by a separate dialect, by a supreme government, and by the possession of a territory which it occupied and defended as its own. The tribes were as numerous as the dialects, for separation did not become complete until dialectical variation had commenced. Indian tribes, therefore, are natural growths through the separation of the same people in the area of their occupation, followed by divergence of speech, segmentation, and independence.

We have seen that the phratry was not so much a governmental as a social organization, while the gens, tribe, and confederacy, were necessary and logical stages of progress in the[Pg 103] growth of the idea of government. A confederacy could not exist, under gentile society, without tribes as a basis; nor could tribes exist without gentes, though they might without phratries. In this chapter I will endeavor to point out the manner in which these numerous tribes were formed, and, presumptively out of one original people; the causes which produced their perpetual segmentation; and the principal attributes which distinguished an Indian tribe as an organization. The exclusive possession of a dialect and of a territory has led to the application of the term *nation* to many Indian tribes, notwithstanding the fewness of the people in each. *Tribe* and *nation*, however, are not strict equivalents. A nation does not arise, under gentile institutions, until the tribes united under the same government have coalesced into one people, as the four Athenian tribes coalesced in Attica, three Dorian tribes at Sparta, and three Latin and Sabine tribes at Rome. Federation requires independent

tribes in separate territorial areas; but coalescence unites them by a higher process in the same area, although the tendency to local separation by gentes and by tribes would continue. The confederacy is the nearest analogue of the nation, but not strictly equivalent. Where the gentile organization exists, the organic series gives all the terms which are needed for a correct description.

An Indian tribe is composed of several gentes, developed from two or more, all the members of which are intermingled by marriage, and all of whom speak the same dialect. To a stranger the tribe is visible, and not the gens. The instances are extremely rare, among the American aborigines, in which the tribe embraced peoples speaking different dialects. When such cases are found, it resulted from the union of a weaker with a stronger tribe speaking a closely related dialect, as the union of the Missouris with the Otoes after the overthrow of the former. The fact that the great body of the aborigines were found in independent tribes illustrates the slow and difficult growth of the idea of government under gentile institutions. A small portion only had attained to the ultimate stage known among them, that of a confederacy of tribes speaking dialects of the same stock language. A coalescence of tribes into a nation had not occurred in any case in any part of America.

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A constant tendency to disintegration, which has proved such a hinderance to progress among savage and barbarous tribes, existed in the elements of the gentile organization. It was aggravated by a further tendency to divergence of speech, which was inseparable from their social state and the large areas of their occupation. A verbal language, although remarkably persistent in its vocables, and still more persistent in its grammatical forms, is incapable of permanence. Separation of the people in area was followed in time by variation in speech; and this, in turn, led to separation in interests and ultimate independence. It was not the work of a brief period, but of centuries of time, aggregating finally into thousands of years. The great number of dialects and stock languages in North and South America, which presumptively were derived, the Eskimo excepted, from one original language, require for their formation the time measured by three ethnical periods.

New tribes as well as new gentes were constantly forming by natural growth; and the process was sensibly accelerated by the great expanse of

the American continent. The method was simple. In the first place there would occur a gradual outflow of people from some overstocked geographical centre, which possessed superior advantages in the means of subsistence. Continued from year to year, a considerable population would thus be developed at a distance from the original seat of the tribe. In course of time the emigrants would become distinct in interests, strangers in feeling, and last of all, divergent in speech. Separation and independence would follow, although their territories were contiguous. A new tribe was thus created. This is a concise statement of the manner in which the tribes of the American aborigines were formed, but the statement must be taken as general. Repeating itself from age to age in newly acquired as well as in old areas, it must be regarded as a natural as well as inevitable result of the gentile organization, united with the necessities of their condition. When increased numbers pressed upon the means of subsistence, the surplus removed to a new seat where they established themselves with facility, because the government was perfect in every gens, and in any number of gentes united in a band.[Pg 105] Among the Village Indians the same thing repeated itself in a slightly different manner. When a village became overcrowded with numbers, a colony went up or down on the same stream and commenced a new village. Repeated at intervals of time several such villages would appear, each independent of the other and a self-governing body; but united in a league or confederacy for mutual protection. Dialectical variation would finally spring up, and thus complete their growth into tribes.

The manner in which tribes are evolved from each other can be shown directly by examples. The fact of separation is derived in part from tradition, in part from the possession by each of a number of the same gentes, and deduced in part from the relations of their dialects. Tribes formed by the subdivisions of an original tribe would possess a number of gentes in common, and speak dialects of the same language. After several centuries of separation they would still have a number of the same gentes. Thus, the Hurons, now Wyandotes, have six gentes of the same name with six of the gentes of the Seneca-Iroquois, after at least four hundred years of separation. The Potawattamies have eight gentes of the same name with eight among the Ojibwas, while the former have six, and the latter fourteen, which are different; showing that new gentes have been formed in each tribe by segmentation since their separation. A still older offshoot from the

Ojibwas, or from the common parent tribe of both, the Miamis, have but three gentes in common with the former, namely, the Wolf, the Loon, and the Eagle. The minute social history of the tribes of the Ganowánian family is locked up in the life and growth of the gentes. If investigation is ever turned strongly in this direction, the gentes themselves would become reliable guides, both in respect to the order of separation from each other of the tribes of the same stock, and possibly of the great stocks of the aborigines.

The following illustrations are drawn from tribes in the Lower Status of barbarism. When discovered, the eight Missouri tribes occupied the banks of the Missouri river for more than a thousand miles; together with the banks of its tributaries, the Kansas and the Platte; and also the smaller rivers of Iowa. They also occupied the west bank of the Mississippi down to the[Pg 106] Arkansas. Their dialects show that the people were in three tribes before the last subdivisions; namely, first, the Punkas and Omahas, second, the Iowas, Otoes and Missouris, and third, the Kaws, Osages and Quappas. These three were undoubtedly subdivisions of a single original tribe, because their several dialects are still much nearer to each other than to any other dialect of the Dakotian stock language to which they belong. There is, therefore, a linguistic necessity for their derivation from an original tribe. A gradual spread from a central point on this river along its banks, both above and below, would lead to a separation in interests with the increase of distance between their settlements, followed by divergence of speech, and finally by independence. A people thus extending themselves along a river in a prairie country might separate, first into three tribes, and afterwards into eight, and the organization of each subdivision remain complete. Division was neither a shock, nor an appreciated calamity; but a separation into parts by natural expansion over a larger area, followed by a complete segmentation. The uppermost tribe on the Missouri were the Punkas at the mouth of the Niobrara river, and the lowermost the Quappas at the mouth of the Arkansas on the Mississippi, with an interval of near fifteen hundred miles between them. The intermediate region, confined to the narrow belt of forest upon the Missouri, was held by the remaining six tribes. They were strictly River Tribes.

Another illustration may be found in the tribes of Lake Superior. The Ojibwas, Otawas[76] and Potawattamies are subdivisions of an original tribe;

the Ojibwas representing the stem, because they remained at the original seat at the great fisheries upon the outlet of the lake. Moreover, they are styled "Elder Brother" by the remaining two; while the Otawas were styled "Next Older Brother," and the Potawattamies "Younger Brother." The last tribe separated first, and the Otawas last, as is shown by the relative amount of dialectical variation, that of the former being greatest. At the time of their discovery, A. D. 1641, the Ojibwas were seated at the Rapids on the outlet of Lake Superior, from which point they had spread along [Pg 107]the southern shore of the lake to the site of Ontonagon, along its northeastern shore, and down the St. Mary River well toward Lake Huron. Their position possessed remarkable advantages for a fish and game subsistence, which, as they did not cultivate maize and plants, was their main reliance.77 It was second to none in North America, with the single exception of the Valley of the Columbia. With such advantages they were certain to develop a large Indian population, and to send out successive bands of emigrants to become independent tribes. The Potawattamies occupied a region on the confines of Upper Michigan and Wisconsin, from which the Dakotas in 1641, were in the act of expelling them. At the same time the Otawas, whose earlier residence is supposed to have been on the Otawa river of Canada, had drawn westward and were then seated upon the Georgian Bay, the Manitouline Islands and at Mackinaw, from which points they were spreading southward over Lower Michigan. Originally one people, and possessing the same gentes, they had succeeded in appropriating a large area. Separation in place, and distance between their settlements, had long before their discovery resulted in the formation of dialects, and in tribal independence. The three tribes, whose territories were contiguous, had formed an alliance for mutual protection, known among Americans as "the Otawa Confederacy." It was a league, offensive and defensive, and not, probably, a close confederacy like that of the Iroquois.

Prior to these secessions another affiliated tribe, the Miamis, had broken off from the Ojibwa stock, or the common parent tribe, and migrated to central Illinois and western Indiana. Following in the track of this migration were the Illinois, another and later offshoot from the same stem, who afterwards subdivided into the Peorias, Kaskaskias, Weaws, and Piankeshaws. Their dialects, with that of the Miamis, find their nearest affinity with the Ojibwa, and next with the Cree.78 The [Pg 108]outflow of all these tribes from the

central seat at the great fisheries of Lake Superior is a significant fact, because it illustrates the manner in which tribes are formed in connection with natural centres of subsistence. The New England, Delaware, Maryland, Virginia and Carolina Algonkins were, in all probability, derived from the same source. Several centuries would be required for the formation of the dialects first named, and for the production of the amount of variation they now exhibit.

The foregoing examples represent the natural process by which tribes are evolved from each other, or from a parent tribe established in an advantageous position. Each emigrating band was in the nature of a military colony, if it may be so strongly characterized, seeking to acquire and hold a new area; preserving at first, and as long as possible, a connection with the mother tribe. By these successive movements they sought to expand their joint possessions, and afterward to resist the intrusion of alien people within their limits. It is a noticeable fact that Indian tribes speaking dialects of the same stock language have usually been found in territorial continuity, however extended their common area. The same has, in the main, been true of all the tribes of mankind linguistically united. It is because the people, spreading from some geographical centre, and maintaining an arduous struggle for subsistence, and for the possession of their new territories, have preserved their connection with the mother land as a means of succor in times of danger, and as a place of refuge in calamity.

It required special advantages in the means of subsistence to render any area an initial point of migration through the gradual development of a surplus population. These natural centres were few in number in North America. There are but three. First among them is the Valley of the Columbia, the most extraordinary region on the face of the earth in the variety and amount of subsistence it afforded, prior to the cultivation of maize and plants;79 second, the peninsula between Lakes Supe[Pg 109]rior, Huron and Michigan, the seat of the Ojibwas, and the nursery land of many Indian tribes; and third, the lake region in Minnesota, the nursery ground of the present Dakota tribes. These are the only regions in North America that can be called natural centres of subsistence, and natural sources of surplus numbers. There are reasons for believing that Minnesota was a part of the Algonkin area before it was occupied by the Dakotas. When the cultivation of maize and plants came in, it tended to localize the people and support

them in smaller areas, as well as to increase their numbers; but it failed to transfer the control of the continent to the most advanced tribes of Village Indians, who subsisted almost entirely by cultivation. Horticulture spread among the principal tribes in the Lower Status of barbarism and greatly improved their condition. They held, with the non-horticultural tribes, the great areas of North America when it was discovered, and from their ranks the continent was being replenished with inhabitants.80
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The multiplication of tribes and dialects has been the fruitful source of the incessant warfare of the aborigines upon each other. As a rule the most persistent warfare has been waged between tribes speaking different stock languages; as, for example, between the Iroquois and Algonkin tribes, and between the Dakota tribes and the same. On the contrary the Algonkin and Dakota tribes severally have, in general, lived at peace among themselves. Had it been otherwise they would not have been found in the occupation of continuous areas. The worst exception were the Iroquois, who pursued a war of extermination against their kindred tribes, the Eries, the Neutral Nation, the Hurons and the Susquehannocks. Tribes speaking dialects of the same stock language are able to communicate orally and thus compose their differences. They also learned, [Pg 111]in virtue of their common descent, to depend upon each other as natural allies.
Numbers within a given area were limited by the amount of subsistence it afforded. When fish and game were the main reliance for food, it required an immense area to maintain a small tribe. After farinaceous food was superadded to fish and game, the area occupied by a tribe was still a large one in proportion to the number of the people. New York, with its forty-seven thousand square miles, never contained at any time more than twenty-five thousand Indians, including with the Iroquois the Algonkins on the east side of the Hudson and upon Long Island, and the Eries and Neutral Nation in the western section of the state. A personal government founded upon gentes was incapable of developing sufficient central power to follow and control the increasing numbers of the people, unless they remained within a reasonable distance from each other.
Among the Village Indians of New Mexico, Mexico, and Central America an increase of numbers in a small area did not arrest the process of disintegration. Each pueblo was usually an independent self-governing community. Where several pueblos were seated near each other on the same

stream, the people were usually of common descent, and either under a tribal or confederate government. There are some seven stock languages in New Mexico alone, each spoken in several dialects. At the time of Coronado's expedition, 1540-1542, the villages found were numerous but small. There were seven each of Cibola, Tucayan, Quivira, and Hemez, and twelve of Tiguex;81 and other groups indicating a linguistic connection of their members. Whether or not each group was confederated we are not informed. The seven Moqui Pueblos (the Tucayan Villages of Coronado's expedition), are said to be confederated at the present time, and probably were at the time of their discovery.

The process of subdivision, illustrated by the foregoing examples, has been operating among the American aborigines for thousands of years, until upwards of forty stock languages, [Pg 112]as near as is known, have been developed in North America alone; each spoken in a number of dialects, by an equal number of independent tribes. Their experience, probably, was but a repetition of that of the tribes of Asia, Europe and Africa, when they were in corresponding conditions.

From the preceding observations, it is apparent that an American Indian tribe is a very simple as well as humble organization. It required but a few hundreds, and, at most, a few thousand people to form a tribe, and place it in a respectable position in the Ganowánian family.

It remains to present the functions and attributes of an Indian tribe, which may be discussed under the following propositions:

I. *The possession of a territory and a name.*
II. *The exclusive possession of a dialect.*
III. *The right to invest sachems and chiefs elected by the gentes.*
IV. *The right to depose these sachems and chiefs.*
V. *The possession of a religious faith and worship.*
VI. *A supreme government consisting of a council of chiefs.*
VII. *A head-chief of the tribe in some instances.*

It will be sufficient to make a brief reference to each of these several attributes of a tribe.

I. *The possession of a territory and a name.*

Their territory consisted of the area of their actual settlements, and so much of the surrounding region as the tribe ranged over in hunting and fishing, and were able to defend against the encroachments of other tribes. Without this area was a wide margin of neutral grounds, separating them from their

nearest frontegers if they spoke a different language, and claimed by neither; but less wide, and less clearly marked, when they spoke dialects of the same language. The country thus imperfectly defined, whether large or small, was the domain of the tribe, recognized as such by other tribes, and defended as such by themselves.

In due time the tribe became individualized by a name, which, from their usual character, must have been in many cases accidental rather than deliberate. Thus, the Senecas[Pg 113] styled themselves the "Great Hill People" (Nun-da′-wä-o-no), the Tuscaroras, "Shirt-wearing People" (Dus-ga′-o-weh-o-no′), the Sissetons, "Village of the Marsh" (Sis-se′-to-wän), the Ogalallas, "Camp Movers" (O-ga-lal′-lä), the Omahas, "Upstream People" (O-mä′-hä), the Iowas, "Dusty Noses" (Pa-ho′-cha), the Minnitarees, "People from Afar" (E-năt′-zä), the Cherokees, "Great People" (Tsä-lo′-kee), the Shawnees, "Southerners" (Sä-wan-wä-kee′), the Mohegans, "Sea-side People" (Mo-he-kun-e-uk), the Slave Lake Indians, "People of the Lowlands" (A-cha′-o-tin-ne). Among the Village Indians of Mexico, the Sochimilcos styled themselves "Nation of the Seeds of Flowers," the Chalcans, "People of Mouths," the Tepanecans, "People of the Bridge," the Tezcucans or Culhuas, "A Crooked People," and the Tlascalans, "Men of Bread."[82] When European colonization began in the northern part of America, the names of Indian tribes were obtained, not usually from the tribe direct, but from other tribes who had bestowed names upon them different from their own. As a consequence, a number of tribes are now known in history under names not recognized by themselves.

II. *The exclusive possession of a dialect.*

Tribe and dialect are substantially co-extensive, but there are exceptions growing out of special circumstances. Thus, the twelve Dakota bands are now properly tribes, because they are distinct in interests and in organization; but they were forced into premature separation by the advance of Americans upon their original area which forced them upon the plains. They had remained in such intimate connection previously that but one new dialect had commenced forming, the *Tecton*, on the Missouri; the *Isauntie* on the Mississippi being the original speech. A few years ago the Cherokees numbered twenty-six thousand, the largest number of Indians ever found within the limits of the United States speaking the same dialect. But in the mountain districts of Georgia a slight divergence of speech had

occurred, though not sufficient to be distinguished as a dialect. There are a few other similar cases, but they do not [Pg 114]break the general rule during the aboriginal period which made tribe and dialect co-extensive. The Ojibwas, who are still in the main non-horticultural, now number about fifteen thousand, and speak the same dialect; and the Dakota tribes collectively about twenty-five thousand who speak two very closely related dialects, as stated. These several tribes are exceptionally large. The tribes within the United States and British America would yield, on an average, less than two thousand persons to a tribe.

III. *The right of investing sachems and chiefs elected by the gentes.*

Among the Iroquois the person elected could not become a chief until his investiture by a council of chiefs. As the chiefs of the gentes composed the council of the tribe, with power over common interests, there was a manifest propriety in reserving to the tribal council the function of investing persons with office. But after the confederacy was formed, the power of "raising up" sachems and chiefs was transferred from the council of the tribe to the council of the confederacy. With respect to the tribes generally, the accessible information is insufficient to explain their usages in relation to the mode of investiture. It is one of the numerous subjects requiring further investigation before the social system of the Indian tribes can be fully explained. The office of sachem and chief was universally elective among the tribes north of Mexico; with sufficient evidence, as to other parts of the continent, to leave no doubt of the universality of the rule. Among the Delawares each gens had one sachem, (Sä-ke′-mä), whose office was hereditary in the gens, besides two common chiefs, and two war-chiefs—making fifteen in three gentes—who composed the council of the tribe. Among the Ojibwas, the members of some one gens usually predominated at each settlement. Each gens had a sachem, whose office was hereditary in the gens, and several common chiefs. Where a large number of persons of the same gens lived in one locality they would be found similarly organized. There was no prescribed limit to the number of chiefs. A body of usages, which have never been collected, undoubtedly existed in the several Indian[Pg 115] tribes respecting the election and investiture of sachems and chiefs. A knowledge of them would be valuable. An explanation of the Iroquois method of "raising up" sachems and chiefs will be given in the next chapter.

IV. *The right to depose these sachems and chiefs.*
This right rested primarily with the gens to which the sachem and chief belonged. But the council of the tribe possessed the same power, and could proceed independently of the gens, and even in opposition to its wishes. In the Status of savagery, and in the Lower and also in the Middle Status of barbarism, office was bestowed for life, or during good behavior. Mankind had not learned to limit an elective office for a term of years. The right to depose, therefore, became the more essential for the maintenance of the principle of self-government. This right was a perpetual assertion of the sovereignty of the gens and also of the tribe; a sovereignty feebly understood, but nevertheless a reality.
V. *The possession of a religious faith and worship.*
After the fashion of barbarians the American Indians were a religious people. The tribes generally held religious festivals at particular seasons of the year, which were observed with forms of worship, dances and games. The Medicine Lodge, in many tribes, was the centre of these observances. It was customary to announce the holding of a Medicine Lodge weeks and months in advance to awaken a general interest in its ceremonies. The religious system of the aborigines is another of the subjects which has been but partially investigated. It is rich in materials for the future student. The experience of these tribes in developing their religious beliefs and mode of worship is a part of the experience of mankind; and the facts will hold an important place in the science of comparative religion.
Their system was more or less vague and indefinite, and loaded with crude superstitions. Element worship can be traced among the principal tribes, with a tendency to polytheism in the advanced tribes. The Iroquois, for example, recognized a Great, and an Evil Spirit, and a multitude of inferior spiritual beings, the immortality of the soul, and a future state.[Pg 116] Their conception of the Great Spirit assigned to him a human form; which was equally true of the Evil Spirit, of *He'-no*, the Spirit of Thunder, of *Gă'-oh*, the Spirit of the Winds, and of the *Three Sisters*, the Spirit of Maize, the Spirit of the Bean, and the Spirit of the Squash. The latter were styled, collectively, “Our Life,” and also “Our Supporters.” Beside these were the spirits of the several kinds of trees and plants, and of the running streams. The existence and attributes of these numerous spiritual beings were but feebly imagined. Among the tribes in the Lower Status of barbarism

idolatry was unknown.83 The Aztecs had personal gods, with idols to represent them, and a temple worship. If the particulars of their religious system were accurately known, its growth out of the common beliefs of the Indian tribes would probably be made apparent.

Dancing was a form of worship among the American aborigines, and formed a part of the ceremonies at all religious festivals. In no part of the earth, among barbarians, has the dance received a more studied development. Every tribe has from ten to thirty set dances; each of which has its own name, songs, musical instruments, steps, plan and costume for persons. Some of them, as the war-dance, were common to all the tribes. Particular dances are special property, belonging either to a gens, or to a society organized for its maintenance, into which new members were from time to time initiated. The dances of the Dakotas, the Crees, the Ojibwas, the Iroquois, and of the Pueblo Indians of New Mexico, are the same in general character, in step, plan, and music; and the same is true of the dances of the Aztecs so far as they are accurately known. It is one system throughout the Indian tribes, and bears a direct relation to their system of faith and worship.

VI. *A supreme government through a council of chiefs.*

The council had a natural foundation in the gentes of whose chiefs it was composed. It met a necessary want, and was certain to remain as long as gentile society endured. As the [Pg 117]gens was represented by its chiefs, so the tribe was represented by a council composed of the chiefs of the gentes. It was a permanent feature of the social system, holding the ultimate authority over the tribe. Called together under circumstances known to all, held in the midst of the people, and open to their orators, it was certain to act under popular influence. Although oligarchical in form, the government was a representative democracy; the representative being elected for life, but subject to deposition. The brotherhood of the members of each gens, and the elective principle with respect to office, were the germ and the basis of the democratic principle. Imperfectly developed, as other great principles were in this early stage of advancement, democracy can boast a very ancient pedigree in the tribes of mankind.

It devolved upon the council to guard and protect the common interests of the tribe. Upon the intelligence and courage of the people, and upon the wisdom and foresight of the council, the prosperity and the existence of the

tribe depended. Questions and exigencies were arising, through their incessant warfare with other tribes, which required the exercise of all these qualities to meet and manage. It was unavoidable, therefore, that the popular element should be commanding in its influence. As a general rule the council was open to any private individual who desired to address it on a public question. Even the women were allowed to express their wishes and opinions through an orator of their own selection. But the decision was made by the council. Unanimity was a fundamental law of its action among the Iroquois; but whether this usage was general I am unable to state.

Military operations were usually left to the action of the voluntary principle. Theoretically, each tribe was at war with every other tribe with which it had not formed a treaty of peace. Any person was at liberty to organize a war-party and conduct an expedition wherever he pleased. He announced his project by giving a war-dance and inviting volunteers. This method furnished a practical test of the popularity of the undertaking. If he succeeded in forming a company, which would consist of such persons as joined him in the dance, they[Pg 118] departed immediately, while enthusiasm was at its height. When a tribe was menaced with an attack, war-parties were formed to meet it in much the same manner. Where forces thus raised were united in one body, each was under its own war-captain, and their joint movements were determined by a council of these captains. If there was among them a war-chief of established reputation he would naturally become their leader. These statements relate to tribes in the Lower Status of barbarism. The Aztecs and Tlascalans went out by phratries, each subdivision under its own captain, and distinguished by costumes and banners.

Indian tribes, and even confederacies, were weak organizations for military operations. That of the Iroquois, and that of the Aztecs, were the most remarkable for aggressive purposes. Among the tribes in the Lower Status of barbarism, including the Iroquois, the most destructive work was performed by inconsiderable war-parties, which were constantly forming and making expeditions into distant regions. Their supply of food consisted of parched corn reduced to flour, carried in a pouch attached to the belt of each warrior, with such fish and game as the route supplied. The going out of these war-parties, and their public reception on their return, were among the prominent events in Indian life. The sanction of the council for these expeditions was not sought, neither was it necessary.

The council of the tribe had power to declare war and make peace, to send and receive embassies, and to make alliances. It exercised all the powers needful in a government so simple and limited in its affairs. Intercourse between independent tribes was conducted by delegations of wise-men and chiefs. When such a delegation was expected by any tribe, a council was convened for its reception, and for the transaction of its business.

VII. *A head-chief of the tribe in some instances.*

In some Indian tribes one of the sachems was recognized as its head-chief; and as superior in rank to his associates. A need existed, to some extent, for an official head of the tribe to represent it when the council was not in session; but the duties[Pg 119] and powers of the office were slight. Although the council was supreme in authority it was rarely in session, and questions might arise demanding the provisional action of some one authorized to represent the tribe, subject to the ratification of his acts by the council. This was the only basis, so far as the writer is aware, for the office of head-chief. It existed in a number of tribes, but in a form of authority so feeble as to fall below the conception of an executive magistrate. In the language of some of the early writers they have been designated as kings, which is simply a caricature. The Indian tribes had not advanced far enough in a knowledge of government to develop the idea of a chief executive magistrate. The Iroquois tribe recognized no head-chief, and the confederacy no executive officer. The elective tenure of the office of chief, and the liability of the person to deposition, settle the character of the office.

A council of Indian chiefs is of little importance by itself; but as the germ of the modern parliament, congress, and legislature, it has an important bearing in the history of mankind.

The growth of the idea of government commenced with the organization into gentes in savagery. It reveals three great stages of progressive development between its commencement and the institution of political society after civilization had been attained. The first stage was the government of a tribe by a council of chiefs elected by the gentes. It may be called a government of *one power*; namely, *the council*. It prevailed generally among tribes in the Lower Status of barbarism. The second stage was a government co-ordinated between a council of chiefs, and a general military commander; one representing the civil, and the other the military

functions. This second form began to manifest itself in the Lower Status of barbarism, after confederacies were formed, and it became definite in the Middle Status. The office of general, or principal military commander, was the germ of that of a chief executive magistrate, the king, the emperor, and the president. It may be called a government of *two powers*, namely, *the council of chiefs*, and *the general*. The third stage was the government of a people or nation by a council of chiefs, an[Pg 120] assembly of the people, and a general military commander. It appeared among the tribes who had attained to the Upper Status of barbarism; such, for example, as the Homeric Greeks, and the Italian tribes of the period of Romulus. A large increase in the number of people united in a nation, their establishment in walled cities, and the creation of wealth in lands and in flocks and herds, brought in the assembly of the people as an instrument of government. The council of chiefs, which still remained, found it necessary, no doubt through popular constraint, to submit the most important public measures to an assembly of the people for acceptance or rejection; whence the popular assembly. This assembly did not originate measures. It was its function to adopt or reject, and its action was final. From its first appearance it became a permanent power in the government. The council no longer passed important public measures, but became a pre-considering council, with power to originate and mature public acts, to which the assembly alone could give validity. It may be called a government of *three powers*; namely, *the pre-considering council*, the *assembly of the people*, and *the general*. This remained until the institution of political society, when, for example, among the Athenians, the council of chiefs became the senate, and the assembly of the people the ecclesia or popular assembly. The same organizations have come down to modern times in the two houses of parliament, of congress, and of legislatures. In like manner the office of general military commander, as before stated, was the germ of the office of the modern chief executive magistrate.

Recurring to the tribe, it was limited in the numbers of the people, feeble in strength, and poor in resources; but yet a completely organized society. It illustrates the condition of mankind in the Lower Status of barbarism. In the Middle Status there was a sensible increase of numbers in a tribe, and an improved condition; but with a continuance of gentile society without essential change. Political society was still impossible from want of

advancement. The gentes organized into tribes remained as before; but confederacies must have been more frequent. In some areas, as in the Valley of Mexico, larger numbers were developed under a common government,[Pg 121] with improvements in the arts of life; but no evidence exists of the overthrow among them of gentile society and the substitution of political. It is impossible to found a political society or a state upon gentes. A state must rest upon territory and not upon persons, upon the township as the unit of a political system, and not upon the gens which is the unit of a social system. It required time and a vast experience, beyond that of the American Indian tribes, as a preparation for such a fundamental change of systems. It also required men of the mental stature of the Greeks and Romans, and with the experience derived from a long chain of ancestors to devise and gradually introduce that new plan of government under which civilized nations are living at the present time.

Following the ascending organic series, we are next to consider the confederacy of tribes, in which the gentes, phratries and tribes will be seen in new relations. The remarkable adaptation of the gentile organization to the condition and wants of mankind, while in a barbarous state, will thereby be further illustrated.

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CHAPTER V. - THE IROQUOIS CONFEDERACY.

Confederacies Natural Growths.—Founded upon Common Gentes, and a Common Language.—The Iroquois Tribes.—Their Settlement in New York.—Formation of the Confederacy.—Its Structure and Principles.—Fifty Sachemships Created.—Made Hereditary in certain Gentes.—Number assigned to each Tribe.—These Sachems formed the Council of the Confederacy.—The Civil Council.—Its Mode of Transacting Business.—Unanimity Necessary to its Action.—The Mourning Council.—Mode of Raising up Sachems.—General Military Commanders.—This Office the Germ of that of a Chief Executive Magistrate.—Intellectual Capacity of the Iroquois.

A tendency to confederate for mutual defense would very naturally exist among kindred and contiguous tribes. When the advantages of a union had been appreciated by actual experience the organization, at first a league, would gradually cement into a federal unity. The state of perpetual warfare in which they lived would quicken this natural tendency into action among

such tribes as were sufficiently advanced in intelligence and in the arts of life to perceive its benefits. It would be simply a growth from a lower into a higher organization by an extension of the principle which united the gentes in a tribe.

As might have been expected, several confederacies existed in different parts of North America when discovered, some of which were quite remarkable in plan and structure. Among the number may be mentioned the Iroquois Confederacy of five independent tribes, the Creek Confederacy of six, the Otawa Confederacy of three, the Dakota League of the "Seven Council-Fires," the Moqui Confederacy in New Mexico of Seven Pueb[Pg 123]los, and the Aztec Confederacy of three tribes in the Valley of Mexico. It is probable that the Village Indians in other parts of Mexico, in Central and in South America, were quite generally organized in confederacies consisting of two or more kindred tribes. Progress necessarily took this direction from the nature of their institutions, and from the law governing their development. Nevertheless, the formation of a confederacy out of such materials, and with such unstable geographical relations, was a difficult undertaking. It was easiest of achievement by the Village Indians from the nearness to each other of their pueblos, and from the smallness of their areas; but it was accomplished in occasional instances by tribes in the Lower Status of barbarism, and notably by the Iroquois. Wherever a confederacy was formed it would of itself evince the superior intelligence of the people.

The two highest examples of Indian confederacies in North America were those of the Iroquois and of the Aztecs. From their acknowledged superiority as military powers, and from their geographical positions, these confederacies, in both cases, produced remarkable results. Our knowledge of the structure and principles of the former is definite and complete, while of the latter it is far from satisfactory. The Aztec confederacy has been handled in such a manner historically as to leave it doubtful whether it was simply a league of three kindred tribes, offensive and defensive, or a systematic confederacy like that of the Iroquois. That which is true of the latter was probably in a general sense true of the former, so that a knowledge of one will tend to elucidate the other.

The conditions under which confederacies spring into being and the principles on which they are formed are remarkably simple. They grow

naturally, with time, out of pre-existing elements. Where one tribe had divided into several and these subdivisions occupied independent but contiguous territories, the confederacy re-integrated them in a higher organization, on the basis of the common gentes they possessed, and of the affiliated dialects they spoke. The sentiment of kin embodied in the gens, the common lineage of the gentes, and their dialects still mutually intelligible, yielded the material elements for[Pg 124] a confederation. The confederacy, therefore, had the gentes for its basis and centre, and stock language for its circumference. No one has been found that reached beyond the bounds of the dialects of a common language. If this natural barrier had been crossed it would have forced heterogeneous elements into the organization. Cases have occurred where the remains of a tribe, not cognate in speech, as the Natchez,84 have been admitted into an existing confederacy; but this exception would not invalidate the general proposition. It was impossible for an Indian power to arise upon the American continent through a confederacy of tribes organized in gentes, and advance to a general supremacy unless their numbers were developed from their own stock. The multitude of stock languages is a standing explanation of the failure. There was no possible way of becoming connected on equal terms with a confederacy excepting through membership in a gens and tribe, and a common speech.

It may here be remarked, parenthetically, that it was impossible in the Lower, in the Middle, or in the Upper Status of barbarism for a kingdom to arise by natural growth in any part of the earth under gentile institutions. I venture to make this suggestion at this early stage of the discussion in order to call attention more closely to the structure and principles of ancient society, as organized in gentes, phratries and tribes. Monarchy is incompatible with gentilism. It belongs to the later period of civilization. Despotisms appeared in some instances among the Grecian tribes in the Upper Status of barbarism; but they were founded upon usurpation, were considered illegitimate by the people, and were, in fact, alien to the ideas of gentile society. The Grecian tyrannies were despotisms founded upon usurpation, and were the germ out of which the later kingdoms arose; while the so-called kingdoms of the heroic age were military democracies, and nothing more.

The Iroquois have furnished an excellent illustration of the manner in which a confederacy is formed by natural growth assisted by skillful legislation. Originally emigrants from beyond [Pg 125]the Mississippi, and probably a branch of the Dakota stock, they first made their way to the valley of the St. Lawrence and settled themselves near Montreal. Forced to leave this region by the hostility of surrounding tribes, they sought the central region of New York. Coasting the eastern shore of Lake Ontario in canoes, for their numbers were small, they made their first settlement at the mouth of the Oswego river, where, according to their traditions, they remained for a long period of time. They were then in at least three distinct tribes, the Mohawks, the Onondagas, and the Senecas. One tribe subsequently established themselves at the head of the Canandaigua lake and became the Senecas. Another tribe occupied the Onondaga Valley and became the Onondagas. The third passed eastward and settled first at Oneida near the site of Utica, from which place the main portion removed to the Mohawk Valley and became the Mohawks. Those who remained became the Oneidas. A portion of the Onondagas or Senecas settled along the eastern shore of the Cayuga lake and became the Cayugas. New York, before its occupation by the Iroquois, seems to have been a part of the area of the Algonkin tribes. According to Iroquois traditions they displaced its anterior inhabitants as they gradually extended their settlements eastward to the Hudson, and westward to the Genesee. Their traditions further declare that a long period of time elapsed after their settlement in New York before the confederacy was formed, during which they made common cause against their enemies and thus experienced the advantages of the federal principle both for aggression and defense. They resided in villages, which were usually surrounded with stockades, and subsisted upon fish and game, and the products of a limited horticulture. In numbers they did not at any time exceed 20,000 souls, if they ever reached that number. Precarious subsistence and incessant warfare repressed numbers in all the aboriginal tribes, including the Village Indians as well. The Iroquois were enshrouded in the great forests, which then overspread New York, against which they had no power to contend. They were first discovered A. D. 1608. About 1675, they attained their culminating point when their dominion reached[Pg 126] over an area remarkably large, covering the greater parts of New York, Pennsylvania and Ohio,85 and portions of Canada north of Lake Ontario.

At the time of their discovery they were the highest representatives of the Red Race north of New Mexico in intelligence and advancement, though perhaps inferior to some of the Gulf tribes in the arts of life. In the extent and quality of their mental endowments they must be ranked among the highest Indians in America. Although they have declined in numbers there are still four thousand Iroquois in New York, about a thousand in Canada, and near that number in the West; thus illustrating the efficiency as well as persistency of the arts of barbarous life in sustaining existence. It is now said that they are slowly increasing.

When the confederacy was formed, about A. D. 1400-1450,86 the conditions previously named were present. The Iroquois was in five independent tribes, occupied territories contiguous to each other, and spoke dialects of the same language which were mutually intelligible. Beside these facts certain gentes were common in the several tribes as has been shown. In their relations to each other, as separated parts of the same gens, these common gentes afforded a natural and enduring basis for a confederacy. With these elements existing, the formation of a confederacy became a question of intelligence and skill. Other tribes in large numbers were standing in precisely the same relations in different parts of the continent without confederating. The fact that the Iroquois tribes accomplished the work affords evidence of their superior capacity. Moreover, as the confederacy was the ultimate stage of organization among the American aborigines its existence would be expected in the most intelligent tribes only.

It is affirmed by the Iroquois that the confederacy was formed by a council of wise-men and chiefs of the five tribes which [Pg 127]met for that purpose on the north shore of Onondaga lake, near the site of Syracuse; and that before its session was concluded the organization was perfected, and set in immediate operation. At their periodical councils for raising up sachems they still explain its origin as the result of one protracted effort of legislation. It was probably a consequence of a previous alliance for mutual defense, the advantages of which they had perceived and which they sought to render permanent.

The origin of the plan is ascribed to a mythical, or, at least, traditionary person, *Hä-yo-went'-hä*, the Hiawatha of Longfellow's celebrated poem, who was present at this council and the central person in its management.

In his communications with the council he used a wise-man of the Onondagas, *Da-gä-no-we'-dä*, as an interpreter and speaker to expound the structure and principles of the proposed confederacy. The same tradition further declares that when the work was accomplished *Hä-yo-went'-hä* miraculously disappeared in a white canoe, which arose with him in the air and bore him out of their sight. Other prodigies, according to this tradition, attended and signalized the formation of the confederacy, which is still celebrated among them as a masterpiece of Indian wisdom. Such in truth it was; and it will remain in history as a monument of their genius in developing gentile institutions. It will also be remembered as an illustration of what tribes of mankind have been able to accomplish in the art of government while in the Lower Status of barbarism, and under the disadvantages this condition implies.

Which of the two persons was the founder of the confederacy it is difficult to determine. The silent *Hä-yo-went'-hä* was, not unlikely, a real person of Iroquois lineage;87 but tradition has enveloped his character so completely in the supernatural that he loses his place among them as one of their number. If Hiawatha were a real person, *Da-gä-no-we'-dä* must hold a subordinate place; but, if a mythical person invoked for the occasion, then to the latter belongs the credit of planning the confederacy.

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The Iroquois affirm that the confederacy as formed by this council, with its powers, functions and mode of administration, has come down to them through many generations to the present time with scarcely a change in its internal organization. When the Tuscaroras were subsequently admitted, their sachems were allowed by courtesy to sit as equals in the general council, but the original number of sachems was not increased, and in strictness those of the Tuscaroras formed no part of the ruling body.

The general features of the Iroquois Confederacy may be summarized in the following propositions:

I. The confederacy was a union of Five Tribes, composed of common gentes, under one government on the basis of equality; each Tribe remaining independent in all matters pertaining to local self-government.

II. It created a General Council of Sachems, who were limited in number, equal in rank and authority, and invested with supreme powers over all matters pertaining to the Confederacy.

III. Fifty Sachemships were created and named in perpetuity in certain gentes of the several Tribes; with power in these gentes to fill vacancies, as often as they occurred, by election from among their respective members, and with the further power to depose from office for cause; but the right to invest these Sachems with office was reserved to the General Council.
IV. The Sachems of the Confederacy were also Sachems in their respective Tribes, and with the Chiefs of these Tribes formed the Council of each, which was supreme over all matters pertaining to the Tribe exclusively.
V. Unanimity in the Council of the Confederacy was made essential to every public act.
VI. In the General Council the Sachems voted by Tribes, which gave to each Tribe a negative upon the others.
VII. The Council of each Tribe had power to convene the General Council; but the latter had no power to convene itself.
VIII. The General Council was open to the orators of the people for the discussion of public questions; but the Council alone decided.
IX. The Confederacy had no chief Executive Magistrate, or official head.
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X. Experiencing the necessity for a General Military Commander they created the office in a dual form, that one might neutralize the other. The two principal War-chiefs created were made equal in powers.
These several propositions will be considered and illustrated, but without following the precise form or order in which they are stated.
At the institution of the confederacy fifty permanent sachemships were created and named, and made perpetual in the gentes to which they were assigned. With the exception of two, which were filled but once, they have been held by as many different persons in succession as generations have passed away between that time and the present. The name of each sachemship is also the personal name of each sachem while he holds the office, each one in succession taking the name of his predecessor. These sachems, when in session, formed the council of the confederacy in which the legislative, executive, and judicial powers were vested, although such a discrimination of functions had not come to be made. To secure order in the succession, the several gentes in which these offices were made hereditary were empowered to elect successors from among their respective members when vacancies occurred, as elsewhere explained. As a further measure of protection to their own body each sachem, after his election and its

confirmation, was invested with his office by a council of the confederacy. When thus installed his name was "taken away" and that of the sachemship was bestowed upon him. By this name he was afterwards known among them. They were all upon equality in rank, authority, and privileges. These sachemships were distributed unequally among the five tribes; but without giving to either a preponderance of power; and unequally among the gentes of the last three tribes. The Mohawks had nine sachems, the Oneidas nine, the Onondagas fourteen, the Cayugas ten, and the Senecas eight. This was the number at first, and it has remained the number to the present time. A table of these sachemships is subjoined, with their names in the Seneca dialect, and their arrangement in classes to facilitate the attainment of unanimity in council. In[Pg 130] foot-notes will be found the signification of these names, and the gentes to which they belonged.

Table of sachemships of the Iroquois, founded at the institution of the Confederacy; with the names which have been borne by their sachems in succession, from its formation to the present time:

Mohawks.

I.	1. Da-gä-e′-o-gă.88 2. Hä-yo-went′-hä.89 3. Da-gä-no-we′-dä.90
II.	4. So-ä-e-wä′-ah.91 5. Da-yo′-ho-go.92 6. O-ä-ä′-go-wä.93
III.	7. Da-an-no-gä′-e-neh.94 8. Sä-da′-gä-e-wä-deh.95 9. Häs-dä-weh′-se-ont-hä.96

Oneidas.

I.	1. Ho-däs′-hä-teh.97 2. Ga-no-gweh′-yo-do.98 3. Da-yo-hä′-gwen-da.99
II.	4. So-no-sase′.100 5. To-no-ä-gă′-o.101 6. Hä-de-ä-dun-nent′-hä.102
III.	7. Da-wä-dä′-o-dä-yo.103 8. Gä-ne-ä-dus′-ha-yeh.104 9. Ho-wus′-hä-da-o.105

Onondagas.

I.	1. To-do-dä′-ho.106 2. To-nes′-sa-ah. 3. Da-ät′-ga-dose.107
II.	4. Gä-neä-dä′-je-wake.108 5. Ah-wä′-ga-yat.109 6. Da-ä-yat′-gwä-e.
III.	7. Ho-no-we-nă′-to.110

IV.	[Pg 131]8. Gä-wă-nă′-san-do.111 9. Hä-e′-ho.112 10. Ho-yo-ne-ä′-ne.113 11. Sa-dä′-kwä-seh.114
V.	12. Sä-go-ga-hä′.115 13. Ho-sa-hä′-ho.116 14. Skä-no′-wun-de.117
Cayugas.	
I.	1. Da-gä′-ă-yo.118 2. Da-je-no′-dä-weh-o.119 3. Gä-dä′-gwä-sa.120 4. So-yo-wasé.121 5. Hä-de-äs′-yo-no.122
II.	6. Da-yo-o-yo′-go.123 7. Jote-ho-weh′-ko.124 8. De-ä-wate′-ho.125
III.	9. To-dä-e-ho′.126 10. Des-gä′-heh.127
Senecas.	
I.	1. Ga-ne-o-di′-yo.128 2. Sä-dä-gä′-o-yase.129
II.	3. Gä-no-gi′-e.130 4. Sä-geh′-jo-wä.131
III.	5. Sä-de-a-no′-wus.132 6. Nis-hä-ne-a′-nent.133
IV.	7. Gä-no-go-e-dä′-we.134 8. Do-ne-ho-gä′-weh.135

Two of these sachemships have been filled but once since their creation. *Hä-yo-went'-hä* and *Da-gä-no-we'-da* consented to take the office among the Mohawk sachems, and to leave their names in the list upon condition that after their demise the two should remain thereafter vacant. They were installed upon these terms, and the stipulation has been observed to the present day. At all councils for the investiture of sachems their names are still called with the others as a tribute of respect to their memory. The general council, therefore, consisted of but forty-eight members.

Each sachem had an assistant sachem, who was elected by the gens of his principal from among its members, and who was installed with the same forms and ceremonies. He was styled an "aid." It was his duty to stand behind his superior [Pg 132]on all occasions of ceremony, to act as his messenger, and in general to be subject to his directions. It gave to the aid the office of chief, and rendered probable his election as the successor of his principal after the decease of the latter. In their figurative language these aids of the sachems were styled "Braces in the Long House," which symbolized the confederacy.

The names bestowed upon the original sachems became the names of their respective successors in perpetuity. For example, upon the demise of *Gä-ne-o-di'-yo*, one of the eight Seneca sachems, his successor would be

elected by the Turtle gens in which this sachemship was hereditary, and when raised up by the general council he would receive this name, in place of his own, as a part of the ceremony. On several different occasions I have attended their councils for raising up sachems both at the Onondaga and Seneca reservations, and witnessed the ceremonies herein referred to. Although but a shadow of the old confederacy now remains, it is fully organized with its complement of sachems and aids, with the exception of the Mohawk tribe which removed to Canada about 1775. Whenever vacancies occur their places are filled, and a general council is convened to install the new sachems and their aids. The present Iroquois are also perfectly familiar with the structure and principles of the ancient confederacy.

For all purposes of tribal government the five tribes were independent of each other. Their territories were separated by fixed boundary lines, and their tribal interests were distinct. The eight Seneca sachems, in conjunction with the other Seneca chiefs, formed the council of the tribe by which its affairs were administered, leaving to each of the other tribes the same control over their separate interests. As an organization the tribe was neither weakened nor impaired by the confederate compact. Each was in vigorous life within its appropriate sphere, presenting some analogy to our own states within an embracing republic. It is worthy of remembrance that the Iroquois commended to our forefathers a union of the colonies similar to their own as early as 1755. They saw in the common interests and common speech of the several colonies the[Pg 133] elements for a confederation, which was as far as their vision was able to penetrate.

The tribes occupied positions of entire equality in the confederacy, in rights, privileges and obligations. Such special immunities as were granted to one or another indicate no intention to establish an unequal compact, or to concede unequal privileges. There were organic provisions apparently investing particular tribes with superior power; as, for example, the Onondagas were allowed fourteen sachems and the Senecas but eight; and a larger body of sachems would naturally exercise a stronger influence in council than a smaller. But in this case it gave no additional power, because the sachems of each tribe had an equal voice in forming a decision, and a negative upon the others. When in council they agreed by tribes, and unanimity in opinion was essential to every public act. The Onondagas were made “Keepers of the Wampum,” and “Keepers of the Council

Brand," the Mohawks, "Receivers of Tribute" from subjugated tribes, and the Senecas "Keepers of the Door" of the Long House. These and some other similar provisions were made for the common advantage.

The cohesive principle of the confederacy did not spring exclusively from the benefits of an alliance for mutual protection, but had a deeper foundation in the bond of kin. The confederacy rested upon the tribes ostensibly, but primarily upon common gentes. All the members of the same gens, whether Mohawks, Oneidas, Onondagas, Cayugas, or Senecas, were brothers and sisters to each other in virtue of their descent from the same common ancestor; and they recognized each other as such with the fullest cordiality. When they met the first inquiry was the name of each other's gens, and next the immediate pedigree of their respective sachems; after which they were usually able to find, under their peculiar system of consanguinity,136 the relationship in which they stood to each [Pg 134]other. Three of the gentes, namely, the Wolf, Bear and Turtle, were common to the five tribes; these and three others were common to three tribes. In effect the Wolf gens, through the division of an original tribe into five, was now in five divisions, one of which was in each tribe. It was the same with the Bear and the Turtle gentes. The Deer, Snipe and Hawk gentes were common to the Senecas, Cayugas and Onondagas. Between the separated parts of each gens, although its members spoke different dialects of the same language, there existed a fraternal connection which linked the nations together with indissoluble bonds. When the Mohawk of the Wolf gens recognized an Oneida, Onondaga, Cayuga or Seneca of the same gens as a brother, and when the members of the other divided gentes did the same, the relationship was not ideal, but a fact founded upon consanguinity, and upon faith in an assured lineage older than their dialects and coeval with their unity as one people. In the estimation of an Iroquois every member of his gens in whatever tribe was as certainly a kinsman as an own brother. This cross-relationship between persons of the same gens in the different tribes is still preserved and recognized among them in all its original force. It explains the tenacity with which the fragments of the old confederacy still cling together. If either of the five tribes had seceded from the confederacy it would have severed the bond of kin, although this would have been felt but slightly. But had they fallen into collision it would have turned the gens of the Wolf against their gentile kindred, Bear against Bear,

in a word brother against brother. The history of the Iroquois demonstrates the reality as well as persistency of the bond of kin, and the fidelity with which it was respected. During the long period through which the confederacy endured, they never fell into anarchy, nor ruptured the organization.

The "Long House" (*Ho-de'-no-sote*) was made the symbol of the confederacy; and they styled themselves the "People of the Long House" (*Ho-de'-no-sau-nee*). This was the name, and the only name, with which they distinguished themselves. The confederacy produced a gentile society more complex than that of a single tribe, but it was still distinctively a gentile society.[Pg 135] It was, however, a stage of progress in the direction of a nation, for nationality is reached under gentile institutions. Coalescence is the last stage in this process. The four Athenian tribes coalesced in Attica into a nation by the intermingling of the tribes in the same area, and by the gradual disappearance of geographical lines between them. The tribal names and organizations remained in full vitality as before, but without the basis of an independent territory. When political society was instituted on the basis of the deme or township, and all the residents of the deme became a body politic, irrespective of their gens or tribe, the coalescence became complete.

The coalescence of the Latin and Sabine gentes into the Roman people and nation was a result of the same processes. In all alike the gens, phratry and tribe were the first three stages of organization. The confederacy followed as the fourth. But it does not appear, either among the Grecian or Latin tribes in the Later Period of barbarism, that it became more than a loose league for offensive and defensive purposes. Of the nature and details of organization of the Grecian and Latin confederacies our knowledge is limited and imperfect, because the facts are buried in the obscurity of the traditionary period. The process of coalescence arises later than the confederacy in gentile society; but it was a necessary as well as vital stage of progress by means of which the nation, the state, and political society were at last attained. Among the Iroquois tribes it had not manifested itself. The valley of Onondaga, as the seat of the central tribe, and the place where the Council Brand was supposed to be perpetually burning, was the usual though not the exclusive place for holding the councils of the confederacy. In ancient times it was summoned to convene in the autumn of each year;

but public exigencies often rendered its meetings more frequent. Each tribe had power to summon the council, and to appoint the time and place of meeting at the council-house of either tribe, when circumstances rendered a change from the usual place at Onondaga desirable. But the council had no power to convene itself.

Originally the principal object of the council was to raise up[Pg 136] sachems to fill vacancies in the ranks of the ruling body occasioned by death or deposition; but it transacted all other business which concerned the common welfare. In course of time, as they multiplied in numbers and their intercourse with foreign tribes became more extended, the council fell into three distinct kinds, which may be distinguished as Civil, Mourning and Religious. The first declared war and made peace, sent and received embassies, entered into treaties with foreign tribes, regulated the affairs of subjugated tribes, and took all needful measures to promote the general welfare. The second raised up sachems and invested them with office. It received the name of Mourning Council because the first of its ceremonies was the lament for the deceased ruler whose vacant place was to be filled. The third was held for the observance of a general religious festival. It was made an occasion for the confederated tribes to unite under the auspices of a general council in the observance of common religious rites. But as the Mourning Council was attended with many of the same ceremonies it came, in time, to answer for both. It is now the only council they hold, as the civil powers of the confederacy terminated with the supremacy over them of the state.

Invoking the patience of the reader, it is necessary to enter into some details with respect to the mode of transacting business at the Civil and Mourning Councils. In no other way can the archaic condition of society under gentile institutions be so readily illustrated.

If an overture was made to the confederacy by a foreign tribe, it might be done through either of the five tribes. It was the prerogative of the council of the tribe addressed to determine whether the affair was of sufficient importance to require a council of the confederacy. After reaching an affirmative conclusion, a herald was sent to the nearest tribes in position, on the east and on the west, with a belt of wampum, which contained a message to the effect that a civil council (*Ho-de-os'-seh*) would meet at such a place and time, and for such an object, each of which was specified.

It was the duty of the tribe receiving the message to forward it to the tribe[Pg 137] next in position, until the notification was made complete.137 No council ever assembled unless it was summoned under the prescribed forms.

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When the sachems met in council, at the time and place appointed, and the usual reception ceremony had been performed, they arranged themselves in two divisions and seated themselves upon opposite sides of the council-fire. Upon one side were the Mohawk, Onondaga and Seneca sachems. The tribes they represented were, when in council, brother tribes to each other and father tribes to the other two. In like manner their sachems were brothers to each other and fathers to those opposite. They constituted a phratry of tribes and of sachems, by an extension of the principle which united gentes in a phratry. On the opposite side of the fire were the Oneida and Cayuga, and, at a later day, the Tuscarora sachems. The tribes they represented were brother tribes to each other, and son tribes to the opposite three. Their sachems also were brothers to each other, and sons of those in the opposite division. They formed a second tribal phratry. As the Oneidas were a subdivision of the Mohawks, and the Cayugas a subdivision of the Onondagas or Senecas, they were in reality junior tribes; whence their relation of seniors and juniors, and the application of the phratric principle. When the tribes are named in council the Mohawks by precedence are mentioned first. Their tribal epithet was "The Shield" (*Da-gä-e-o'-dä*). The Onondagas came next under the epithet of "Name-Bearer" (*Ho-de-san-no'-ge-tä*), because they had been appointed to select and name the fifty original sachems.138 Next in the order of precedence were the Senecas, under the epithet of "Door-Keeper" (*Ho-nan-ne-ho'-ont*). They were made perpetual keepers of the western door of the Long House. The Oneidas, under the epithet of "Great Tree" (*Ne-ar'-de-on-dar'-go-war*), and the Cayugas, under that [Pg 139]of "Great Pipe" (*So-nus'-ho-gwar-to-war*), were named fourth and fifth. The Tuscaroras, who came late into the confederacy, were named last, and had no distinguishing epithet. Forms, such as these, were more important in ancient society than we would be apt to suppose.

It was customary for the foreign tribe to be represented at the council by a delegation of wise-men and chiefs, who bore their proposition and

presented it in person. After the council was formally opened and the delegation introduced, one of the sachems made a short address, in the course of which he thanked the Great Spirit for sparing their lives and permitting them to meet together; after which he informed the delegation that the council was prepared to hear them upon the affair for which it had convened. One of the delegates then submitted their proposition in form, and sustained it by such arguments as he was able to make. Careful attention was given by the members of the council that they might clearly comprehend the matter in hand. After the address was concluded, the delegation withdrew from the council to await at a distance the result of its deliberations. It then became the duty of the sachems to agree upon an answer, which was reached through the ordinary routine of debate and consultation. When a decision had been made, a speaker was appointed to communicate the answer of the council, to receive which the delegation were recalled. The speaker was usually chosen from the tribe at whose instance the council had been convened. It was customary for him to review the whole subject in a formal speech, in the course of which the acceptance, in whole or in part, or the rejection of the proposition were announced with the reasons therefor. Where an agreement was entered upon, belts of wampum were exchanged as evidence of its terms. With these proceedings the council terminated.

"This belt preserves my words" was a common remark of an Iroquois chief in council. He then delivered the belt as the evidence of what he had said. Several such belts would be given in the course of a negotiation to the opposite party. In the reply of the latter a belt would be returned for each proposition accepted. The Iroquois experienced the necessity for[Pg 140] an exact record of some kind of a proposition involving their faith and honor in its execution, and they devised this method to place it beyond dispute.

Unanimity among the sachems was required upon all public questions, and essential to the validity of every public act. It was a fundamental law of the confederacy.139 They adopted a method for ascertaining the opinions of the members of the council which dispensed with the necessity of casting votes. Moreover, they were entirely unacquainted with the principle of majorities and minorities in the action of councils. They voted in council by tribes, and the sachems of each tribe were required to be of one mind to form a decision. Recognizing unanimity as a necessary principle, the

founders of the confederacy divided the sachems of each tribe into classes as a means for its attainment. This will be seen by consulting the table, (*supra* p. 130). No sachem was allowed to express an opinion in council in the nature of a vote until he had first agreed with the sachem or sachems of his class upon the opinion to be expressed, and had been appointed to act as speaker for the class. Thus the eight Seneca sachems being in four classes could have but four opinions, and the ten Cayuga sachems, being in the same number of classes, could have but four. In this manner the sachems in each class were first brought to unanimity among themselves. A cross-consultation was then held between the four sachems appointed to speak for the four classes; and when they had agreed, they designated one of their number to express their resulting opinion, which was the answer of their tribe. When the sachems of the several tribes had, by this ingenious method, become of one mind separately, it remained to compare their several opinions, and if they agreed the decision of the council was made. If they failed of agree[Pg 141]ment the measure was defeated, and the council was at an end. The five persons appointed to express the decision of the five tribes may possibly explain the appointment and the functions of the six electors, so called, in the Aztec confederacy, which will be noticed elsewhere.

By this method of gaining assent the equality and independence of the several tribes were recognized and preserved. If any sachem was obdurate or unreasonable, influences were brought to bear upon him, through the preponderating sentiment, which he could not well resist; so that it seldom happened that inconvenience or detriment resulted from their adherence to the rule. Whenever all efforts to procure unanimity had failed, the whole matter was laid aside because further action had become impossible.

The induction of new sachems into office was an event of great interest to the people, and not less to the sachems who retained thereby some control over the introduction of new members into their body. To perform the ceremony of raising up sachems the general council was primarily instituted. It was named at the time, or came afterwards to be called, the Mourning Council (*Hen-nun-do-nuh'-seh*), because it embraced the twofold object of lamenting the death of the departed sachems and of installing his successor. Upon the death of a sachem, the tribe in which the loss had occurred had power to summon a general council, and to name the time and

place of its meeting. A herald was sent out with a belt of wampum, usually the official belt of the deceased sachem given to him at his installation, which conveyed this laconic message;—"the name" (mentioning that of the late ruler) "calls for a council." It also announced the day and place of convocation. In some cases the official belt of the sachem was sent to the central council-fire at Onondaga immediately after his burial, as a notification of his demise, and the time for holding the council was determined afterwards.

The Mourning Council, with the festivities which followed the investiture of sachems, possessed remarkable attractions for the Iroquois. They flocked to its attendance from the most distant localities with zeal and enthusiasm. It was opened and[Pg 142] conducted with many forms and ceremonies, and usually lasted five days. The first was devoted to the prescribed ceremony of lamentations for the deceased sachem, which, as a religious act, commenced at the rising of the sun. At this time the sachems of the tribe, with whom the council was held, marched out followed by their tribesmen, to receive formally the sachems and people of the other tribes, who had arrived before and remained encamped at some distance waiting for the appointed day. After exchanging greetings, a procession was formed and the lament was chanted in verse, with responses, by the united tribes, as they marched from the place of reception to the place of council. The lament, with the responses in chorus, was a tribute of respect to the memory of the departed sachem, in which not only his gens, but his tribe, and the confederacy itself participated. It was certainly a more delicate testimonial of respect and affection than would have been expected from a barbarous people. This ceremonial, with the opening of the council, concluded the first day's proceedings. On the second day, the installation ceremony commenced, and it usually lasted into the fourth. The sachems of the several tribes seated themselves in two divisions, as at the civil council. When the sachem to be raised up belonged to either of the three senior tribes the ceremony was performed by the sachems of the junior tribes, and the new sachem was installed as a father. In like manner, if he belonged to either of the three junior tribes the ceremony was performed by the sachems of the senior tribes, and the new sachem was installed as a son. These special circumstances are mentioned to show the peculiar character of their

social and governmental life. To the Iroquois these forms and figures of speech were full of significance.

Among other things, the ancient wampum belts, into which the structure and principles of the confederacy "had been talked," to use their expression, were produced and read or interpreted for the instruction of the newly inducted sachem. A wise-man, not necessarily one of the sachems, took these belts one after the other and walking to and fro between the two divisions of sachems, read from them the facts which they recorded. According to the Indian conception, these belts can[Pg 143] tell, by means of an interpreter, the exact rule, provision or transaction talked into them at the time, and of which they were the exclusive record. A strand of wampum consisting of strings of purple and white shell beads, or a belt woven with figures formed by beads of different colors, operated on the principle of associating a particular fact with a particular string or figure; thus giving a serial arrangement to the facts as well as fidelity to the memory. These strands and belts of wampum were the only visible records of the Iroquois; but they required those trained interpreters who could draw from their strings and figures the records locked up in their remembrance. One of the Onondaga sachems (Ho-no-we-nă′-to) was made "Keeper of the Wampum," and two aids were raised up with him who were required to be versed in its interpretation as well as the sachem. The interpretation of these several belts and strings brought out, in the address of the wise-man, a connected account of the occurrences at the formation of the confederacy. The tradition was repeated in full, and fortified in its essential parts by reference to the record contained in these belts. Thus the council to raise up sachems became a teaching council, which maintained in perpetual freshness in the minds of the Iroquois the structure and principles of the confederacy, as well as the history of its formation. These proceedings occupied the council until noon each day; the afternoon being devoted to games and amusements. At twilight each day a dinner in common was served to the entire body in attendance. It consisted of soup and boiled meat cooked near the council-house, and served directly from the kettle in wooden bowls, trays and ladles. Grace was said before the feast commenced. It was a prolonged exclamation by a single person on a high shrill note, falling down in cadences into stillness, followed by a response in chorus by the people. The evenings were devoted to the dance. With

these ceremonies, continued for several days, and with the festivities that followed, their sachems were inducted into office.

By investing their sachems with office through a general council, the framers of the confederacy had in view the threefold object of a perpetual succession in the gens, the benefits[Pg 144] of a free election among its members, and a final supervision of the choice through the ceremony of investiture. To render the latter effective it should carry with it the power to reject the nominee. Whether the right to invest was purely functional, or carried with it the right to exclude, I am unable to state. No case of rejection is mentioned. The scheme adopted by the Iroquois to maintain a ruling body of sachems may claim, in several respects, the merit of originality, as well as of adaptation to their condition. In form an oligarchy, taking this term in its best sense, it was yet a representative democracy of the archaic type. A powerful popular element pervaded the whole organism and influenced its action. It is seen in the right of the gentes to elect and depose their sachems and chiefs, in the right of the people to be heard in council through orators of their own selection, and in the voluntary system in the military service. In this and the next succeeding ethnical period democratic principles were the vital element of gentile society.

The Iroquois name for a sachem (*Ho-yar-na-go'-war*), which signifies "a counselor of the people," was singularly appropriate to a ruler in a species of free democracy. It not only defines the office well, but it also suggests the analogous designation of the members of the Grecian council of chiefs. The Grecian chiefs were styled "councilors of the people."[140] From the nature and tenure of the office among the Iroquois the sachems were not masters ruling by independent right, but representatives holding from the gentes by free election. It is worthy of notice that an office which originated in savagery, and continued through the three sub-periods of barbarism, should reveal so much of its archaic character among the Greeks after the gentile organization had carried this portion of the human family to the confines of civilization. It shows further how deeply inwrought in the human mind the principle of democracy had become under gentilism.

The designation for a chief of the second grade, *Ha-sa-no-wä'-na*, [Pg 145] "an elevated name," indicates an appreciation by barbarians of the ordinary motives for personal ambition. It also reveals the sameness of the nature of man, whether high up or low down upon the rounds of the ladder of

progress. The celebrated orators, wise-men, and war-chiefs of the Iroquois were chiefs of the second grade almost without exception. One reason for this may be found in the organic provision which confined the duties of the sachem to the affairs of peace. Another may have been to exclude from the ruling body their ablest men, lest their ambitious aims should disturb its action. As the office of chief was bestowed in reward of merit, it fell necessarily upon their ablest men. Red-Jacket, Brandt, Garangula, Cornplanter, Farmer's Brother, Frost, Johnson, and other well known Iroquois, were chiefs as distinguished from sachems. None of the long lines of sachems have become distinguished in American annals, with the exception of Logan,141 Handsome Lake,142 and at a recent day, Ely S. Parker.143 The remainder have left no remembrance behind them extending beyond the Iroquois.

At the time the confederacy was formed *To-do-dä'-ho* was the most prominent and influential of the Onondaga chiefs. His accession to the plan of a confederacy, in which he would experience a diminution of power, was regarded as highly meritorious. He was raised up as one of the Onondaga sachems and his name placed first in the list. Two assistant sachems were raised up with him to act as his aids and to stand behind him on public occasions. Thus dignified, this sachemship has since been regarded by the Iroquois as the most illustrious of the forty-eight, from the services rendered by the first *To-do-dä'-ho*. The circumstance was early seized upon by the inquisitive colonists to advance the person who held this office to the position of king of the Iroquois; but the misconception was refuted, and the institutions of the Iroquois were relieved of the burden of an impossible feature. In the general council he sat among his equals. The confederacy had no chief executive magistrate.

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Under a confederacy of tribes the office of general, (*Hos-gä-ä-geh'-da-go-wä*) "Great War Soldier," makes its first appearance. Cases would now arise when the several tribes in their confederate capacity would be engaged in war; and the necessity for a general commander to direct the movements of the united bands would be felt. The introduction of this office as a permanent feature in the government was a great event in the history of human progress. It was the beginning of a differentiation of the military from the civil power, which, when completed, changed essentially the

external manifestation of the government. But even in later stages of progress, when the military spirit predominated, the essential character of the government was not changed. Gentilism arrested usurpation. With the rise of the office of general, the government was gradually changed from a government of one power, into a government of two powers. The functions of government became, in course of time, co-ordinated between the two. This new office was the germ of that of a chief executive magistrate; for out of the general came the king, the emperor, and the president, as elsewhere suggested. The office sprang from the military necessities of society, and had a logical development. For this reason its first appearance and subsequent growth have an important place in this discussion. In the course of this volume I shall attempt to trace the progressive development of this office, from the *Great War Soldier* of the Iroquois through the *Teuctli* of the Aztecs, to the *Basileus* of the Grecian, and the *Rex* of the Roman tribes; among all of whom, through three successive ethnical periods, the office was the same, namely, that of a general in a military democracy. Among the Iroquois, the Aztecs, and the Romans the office was elective, or confirmative, by a constituency. Presumptively, it was the same among the Greeks of the traditionary period. It is claimed that the office of *basileus* among the Grecian tribes in the Homeric period was hereditary from father to son. This is at least doubtful. It is such a wide and total departure from the original tenure of the office as to require positive evidence to establish the fact. An election, or confirmation by a constituency, would still be necessary under[Pg 147] gentile institutions. If in numerous instances it were known that the office had passed from father to son this might have suggested the inference of hereditary succession, now adopted as historically true, while succession in this form did not exist. Unfortunately, an intimate knowledge of the organization and usages of society in the traditionary period is altogether wanting. Great principles of human action furnish the safest guide when their operation must have been necessary. It is far more probable that hereditary succession, when it first came in, was established by force, than by the free consent of the people; and that it did not exist among the Grecian tribes in the Homeric period.

When the Iroquois confederacy was formed, or soon after that event, two permanent war-chiefships were created and named, and both were assigned to the Seneca tribe. One of them (*Ta-wan'-ne-ars*, signifying needle-

breaker) was made hereditary in the Wolf, and the other (*So-no'-so-wä*, signifying great oyster shell) in the Turtle gens. The reason assigned for giving them both to the Senecas was the greater danger of attack at the west end of their territories. They were elected in the same manner as the sachems, were raised up by a general council, and were equal in rank and power. Another account states that they were created later. They discovered immediately after the confederacy was formed that the structure of the Long House was incomplete because there were no officers to execute the military commands of the confederacy. A council was convened to remedy the omission, which established the two perpetual war-chiefs named. As general commanders they had charge of the military affairs of the confederacy, and the command of its joint forces when united in a general expedition. Governor Blacksnake, recently deceased, held the office first named, thus showing that the succession has been regularly maintained. The creation of two principal war-chiefs instead of one, and with equal powers, argues a subtle and calculating policy to prevent the domination of a single man even in their military affairs. They did without experience precisely as the Romans did in creating two consuls instead of one, after they had abolished the office of *rex*. Two consuls would[Pg 148] balance the military power between them, and prevent either from becoming supreme. Among the Iroquois this office never became influential.

In Indian Ethnography the subjects of primary importance are the gens, phratry, tribe and confederacy. They exhibit the organization of society. Next to these are the tenure and functions of the office of sachem and chief, the functions of the council of chiefs, and the tenure and functions of the office of principal war-chief. When these are ascertained, the structure and principles of their governmental system will be known. A knowledge of their usages and customs, of their arts and inventions, and of their plan of life will then fill out the picture. In the work of American investigators too little attention has been given to the former. They still afford a rich field in which much information may be gathered. Our knowledge, which is now general, should be made minute and comparative. The Indian tribes in the Lower, and in the Middle Status of barbarism, represent two of the great stages of progress from savagery to civilization. Our own remote forefathers passed through the same conditions, one after the other, and possessed, there can scarcely be a doubt, the same, or very similar institutions, with many of the same usages and customs. However little we

may be interested in the American Indians personally, their experience touches us more nearly, as an exemplification of the experience of our own ancestors. Our primary institutions root themselves in a prior gentile society in which the gens, phratry and tribe were the organic series, and in which the council of chiefs was the instrument of government. The phenomena of their ancient society must have presented many points in common with that of the Iroquois and other Indian tribes. This view of the matter lends an additional interest to the comparative institutions of mankind.

The Iroquois confederacy is an excellent exemplification of a gentile society under this form of organization. It seems to realize all the capabilities of gentile institutions in the Lower Status of barbarism; leaving an opportunity for further development, but no subsequent plan of government until the institutions of political society, founded upon territory and upon prop[Pg 149]erty, with the establishment of which the gentile organization would be overthrown. The intermediate stages were transitional, remaining military democracies to the end, except where tyrannies founded upon usurpation were temporarily established in their places. The confederacy of the Iroquois was essentially democratical; because it was composed of gentes each of which was organized upon the common principles of democracy, not of the highest but of the primitive type, and because the tribes reserved the right of local self-government. They conquered other tribes and held them in subjection, as for example the Delawares; but the latter remained under the government of their own chiefs, and added nothing to the strength of the confederacy. It was impossible in this state of society to unite tribes under one government who spoke different languages, or to hold conquered tribes under tribute with any benefit but the tribute.

This exposition of the Iroquois confederacy is far from exhaustive of the facts, but it has been carried far enough to answer my present object. The Iroquois were a vigorous and intelligent people, with a brain approaching in volume the Aryan average. Eloquent in oratory, vindictive in war, and indomitable in perseverance, they have gained a place in history. If their military achievements are dreary with the atrocities of savage warfare, they have illustrated some of the highest virtues of mankind in their relations with each other. The confederacy which they organized must be regarded as a remarkable production of wisdom and sagacity. One of its avowed objects

was peace; to remove the cause of strife by uniting their tribes under one government, and then extending it by incorporating other tribes of the same name and lineage. They urged the Eries and the Neutral Nation to become members of the confederacy, and for their refusal expelled them from their borders. Such an insight into the highest objects of government is creditable to their intelligence. Their numbers were small, but they counted in their ranks a large number of able men. This proves the high grade of the stock. From their position and military strength they exercised a marked influence upon the course of events between the En[Pg 150]glish and the French in their competition for supremacy in North America. As the two were nearly equal in power and resources during the first century of colonization, the French may ascribe to the Iroquois, in no small degree, the overthrow of their plans of empire in the New World.

With a knowledge of the gens in its archaic form and of its capabilities as the unit of a social system, we shall be better able to understand the gentes of the Greeks and Romans yet to be considered. The same scheme of government composed of gentes, phratries and tribes in a gentile society will be found among them as they stood at the threshold of civilization, with the superadded experience of two entire ethnical periods. Descent among them was in the male line, property was inherited by the children of the owner instead of the agnatic kindred, and the family was now assuming the monogamian form. The growth of property, now becoming a commanding element, and the increase of numbers gathered in walled cities were slowly demonstrating the necessity for the second great plan of government—the political. The old gentile system was becoming incapable of meeting the requirements of society as it approached civilization. Glimpses of a state, founded upon territory and property, were breaking upon the Grecian and Roman minds before which gentes and tribes were to disappear. To enter upon the second plan of government, it was necessary to supersede the gentes by townships and city wards—the gentile by a territorial system. The going down of the gentes and the uprising of organized townships mark the dividing line, pretty nearly, between the barbarian and the civilized worlds—between ancient and modern society.

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CHAPTER VI. - GENTES IN OTHER TRIBES OF THE GANOWÁNIAN FAMILY.

Divisions of American Aborigines.—Gentes in Indian Tribes; with their Rules of Descent and Inheritance.—I. Hodenosaunian Tribes.—II. Dakotian.—III. Gulf.—IV. Pawnee.—V. Algonkin.—VI. Athapasco-Apache.—VII. Tribes of Northwest Coast.—Eskimos, a Distinct Family.—VIII. Salish, Sahaptin, and Kootenay Tribes.—IX. Shoshonee.—X. Village Indians of New Mexico, Mexico and Central America.—XI. South American Indian Tribes.—Probable Universality of the Organization in Gentes in the Ganowánian Family.

When America was first discovered in its several regions, the Aborigines were found in two dissimilar conditions. First were the Village Indians, who depended almost exclusively upon horticulture for subsistence; such were the tribes in this status in New Mexico, Mexico and Central America, and upon the plateau of the Andes. Second, were the Non-horticultural Indians, who depended upon fish, bread-roots and game; such were the Indians of the Valley of the Columbia, of the Hudson's Bay Territory, of parts of Canada, and of some other sections of America. Between these tribes, and connecting the extremes by insensible gradations, were the partially Village, and partially Horticultural Indians; such were the Iroquois, the New England and Virginia Indians, the Creeks, Choctas, Cherokees, Minnitarees, Dakotas and Shawnees. The weapons, arts, usages, inventions, dances, house architecture, form of government, and plan of life of all alike bear the impress of a common mind, and reveal, through their wide range, the successive stages of development of the same original conceptions.[Pg 152] Our first mistake consisted in overrating the comparative advancement of the Village Indians; and our second in underrating that of the Non-horticultural, and of the partially Village Indians: whence resulted a third, that of separating one from the other and regarding them as different races. There was a marked difference in the conditions in which they were severally found; for a number of the Non-horticultural tribes were in the Upper Status of savagery; the intermediate tribes were in the Lower Status of barbarism, and the Village Indians were in the Middle Status. The evidence of their unity of origin has now accumulated to such a degree as to leave no reasonable doubt upon the question, although this conclusion is not universally accepted. The Eskimos belong to a different family.

In a previous work I presented the system of consanguinity and affinity of some seventy American Indian tribes; and upon the fact of their joint possession of the same system, with evidence of its derivation from a common source, ventured to claim for them the distinctive rank of a family of mankind, under the name of the Ganowánian, the "Family of the Bow and Arrow."144

Having considered the attributes of the gens in its archaic form, it remains to indicate the extent of its prevalence in the tribes of the Ganowánian family. In this chapter the organization will be traced among them, confining the statements to the names of the gentes in each tribe, with their rules of descent and inheritance as to property and office. Further explanations will be added when necessary. The main point to be established is the existence or non-existence of the gentile organization among them. Wherever the institution has been found in these several tribes it is the same in all essential respects as the gens of the Iroquois, and therefore needs no further exposition in this connection. Unless the contrary is stated, it may be understood that the existence of the organization was ascertained by the author from the Indian tribe or some of its members. The classification of tribes follows that adopted in "Systems of Consanguinity."

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I. *Hodenosaunian Tribes.*

1. Iroquois. The gentes of the Iroquois have been considered.145

2. Wyandotes. This tribe, the remains of the ancient Hurons, is composed of eight gentes, as follows:

1. Wolf. 2. Bear. 3. Beaver. 4. Turtle.
5. Deer. 6. Snake. 7. Porcupine. 8. Hawk.146

Descent is in the female line, with marriage in the gens prohibited. The office of sachem, or civil chief, is hereditary in the gens, but elective among its members. They have seven sachems and seven war-chiefs, the Hawk gens being now extinct. The office of sachem passes from brother to brother, or from uncle to nephew; but that of war-chief was bestowed in reward of merit, and was not hereditary. Property was hereditary in the gens, consequently children took nothing from their father; but they inherited their mother's effects. Where the rule is stated hereafter it will be understood that unmarried as well as married persons are included. Each gens had power to depose as well as elect its chiefs. The Wyandotes have

been separated from the Iroquois at least four hundred years; but they still have five gentes in common, although their names have either changed beyond identification, or new names have been substituted by one or the other.

The Eries, Neutral Nation, Nottoways, Tutelos,147 and Susquehannocks148 now extinct or absorbed in other tribes, belong to the same lineage. Presumptively they were organized in gentes, but the evidence of the fact is lost.

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II. Dakotian Tribes.

A large number of tribes are included in this great stock of the American aborigines. At the time of their discovery they had fallen into a number of groups, and their language into a number of dialects; but they inhabited, in the main, continuous areas. They occupied the head waters of the Mississippi, and both banks of the Missouri for more than a thousand miles in extent. In all probability the Iroquois, and their cognate tribes, were an offshoot from this stem.

1. Dakotas or Sioux. The Dakotas, consisting at the present time of some twelve independent tribes, have allowed the gentile organization to fall into decadence. It seems substantially certain that they once possessed it because their nearest congeners, the Missouri tribes, are now thus organized. They have societies named after animals analogous to gentes, but the latter are now wanting. Carver, who was among them in 1767, remarks that "every separate body of Indians is divided into bands or tribes; which band or tribe forms a little community with the nation to which it belongs. As the nation has some particular symbol by which it is distinguished from others, so each tribe has a badge from which it is denominated; as that of the eagle, the panther, the tiger, the buffalo, etc. One band of the Naudowissies [Sioux] is represented by a Snake, another a Tortoise, a third a Squirrel, a fourth a Wolf, and a fifth a Buffalo. Throughout every nation they particularize themselves in the same manner, and the meanest person among them will remember his lineal descent, and distinguish himself by his respective family."149 He visited the eastern Dakotas on the Mississippi. From this specific statement I see no reason to doubt that the gentile organization was then in full vitality among them. When I visited the eastern Dakotas in 1861, and the western in 1862, I

could find no satisfactory traces of gentes among them. A change in the mode of life among the Dakotas occurred between these dates when they were forced upon the plains, and fell into nomadic bands, which may, perhaps, explain the decadence of gentilism among them.

Carver also noticed the two grades of chiefs among the [Pg 155]western Indians, which have been explained as they exist among the Iroquois. "Every band," he observes, "has a chief who is termed the Great Chief, or the Chief Warrior, and who is chosen in consideration of his experience in war, and of his approved valor, to direct their military operations, and to regulate all concerns belonging to that department. But this chief is not considered the head of the state; besides the great warrior who is elected for his warlike qualifications, there is another who enjoys a pre-eminence as his hereditary right, and has the more immediate management of their civil affairs. This chief might with greater propriety be denominated the sachem; whose assent is necessary to all conveyances and treaties, to which he affixes the mark of the tribe or nation."150

2. Missouri tribes. 1. Punkas. This tribe is composed of eight gentes, as follows:

1. Grizzly Bear.	2. Many People.	3. Elk.	4. Skunk.
5. Buffalo.	6. Snake.	7. Medicine.	8. Ice.151

In this tribe, contrary to the general rule, descent is in the male line, the children belonging to the gens of their father. Intermarriage in the gens is prohibited. The office of sachem is hereditary in the gens, the choice being determined by election; but the sons of a deceased sachem are eligible. It is probable that the change from the archaic form was recent, from the fact that among the Otoes and Missouris, two of the eight Missouri tribes, and also among the Mandans, descent is still in the female line. Property is hereditary in the gens.

2. Omahas. This tribe is composed of the following twelve gentes:

1. Deer.	2. Black.	3. Bird.	4. Turtle.
5. Buffalo.	6. Bear.	7. Medicine.	8. Kaw.
9. Head.	10. Red.	11. Thunder.	12. Many Seasons.152

Descent, inheritance, and the law of marriage are the same as among the Punkas.

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3. Iowas. In like manner the Iowas have eight gentes, as follows:

1. Wolf. 2. Bear. 3. Cow Buffalo. 4. Elk.
5. Eagle. 6. Pigeon. 7. Snake. 8. Owl.153

A gens of the Beaver *Pä-kuh'-thä* once existed among the Iowas and Otoes, but it is now extinct. Descent, inheritance, and the prohibition of intermarriage in the gens are the same as among the Punkas.

4. Otoes and Missouris. These tribes have coalesced into one, and have the eight following gentes:

1. Wolf. 2. Bear. 3. Cow Buffalo. 4.Elk.
5. Eagle. 6. Pigeon. 7. Snake. 8. Owl.154

Descent among the Otoes and Missouris is in the female line, the children belonging to the gens of their mother. The office of sachem, and property are hereditary in the gens, in which intermarriage is prohibited.

5. Kaws. The Kaws (Kaw′-ză) have the following fourteen gentes:

1. Deer.	2. Bear.	3. Buffalo.	4. Eagle (white).
5. Eagle (black).	6. Duck.	7. Elk.	8. Raccoon.
9. Prairie Wolf.	10. Turtle.	11. Earth.	12. Deer Tail.
13. Tent.	14. Thunder.155		

The Kaws are among the wildest of the American aborigines, but are an intelligent and interesting people. Descent, inheritance and marriage regulations among them are the same as among the Punkas. It will be observed that there are two Eagle gentes, and two of the Deer, which afford a good illustration of the segmentation of a gens; the Eagle gens having probably divided into two and distinguished themselves by [Pg 157]the names of white and black. The Turtle will be found hereafter as a further illustration of the same fact. When I visited the Missouri tribes in 1859 and 1860, I was unable to reach the Osages and Quappas. The eight tribes thus named speak closely affiliated dialects of the Dakotian stock language, and the presumption that the Osages and Quappas are organized in gentes is substantially conclusive. In 1869, the Kaws, then much reduced, numbered seven hundred, which would give an average of but fifty persons to a gens. The home country of these several tribes was along the Missouri and its tributaries from the mouth of the Big Sioux river to the Mississippi, and down the west bank of the latter river to the Arkansas.

3. Winnebagoes. When discovered this tribe resided near the lake of their name in Wisconsin. An offshoot from the Dakotian stem, they were apparently following the track of the Iroquois eastward to the valley of the

St. Lawrence, when their further progress in that direction was arrested by the Algonkin tribes between Lakes Huron and Superior. Their nearest affiliation is with the Missouri tribes. They have eight gentes as follows:

1. Wolf. 2. Bear. 3. Buffalo. 4. Eagle.
5. Elk. 6. Deer. 7. Snake. 8. Thunder.156

Descent, inheritance, and the law of marriage are the same among them as among the Punkas. It is surprising that so many tribes of this stock should have changed descent from the female line to the male, because when first known the idea of property was substantially undeveloped, or but slightly beyond the germinating stage, and could hardly, as among the Greeks and Romans, have been the operative cause. It is probable that it occurred at a recent period under American and missionary influences. Carver found traces of descent in the female line in 1787 among the Winnebagoes. "Some nations," he remarks, "when the dignity is hereditary, limit the succession to the female line. On the death of a chief his sisters' son succeeds him in preference to his own son; and if he [Pg 158]happens to have no sister the nearest female relation assumes the dignity. This accounts for a woman being at the head of the Winnebago nation, which, before I was acquainted with their laws, appeared strange to me."157 In 1869, the Winnebagoes numbered fourteen hundred, which would give an average of one hundred and fifty persons to the gens.

4. *Upper Missouri Tribes.*

1. Mandans. In intelligence and in the arts of life the Mandans were in advance of all their kindred tribes, for which they were probably indebted to the Minnitarees. They are divided into seven gentes as follows:

1. Wolf. 2. Bear. 3. Prairie Chicken. 4. Good Knife.
5. Eagle. 6. Flathead. 7. High Village.158

Descent is in the female line, with office and property hereditary in the gens. Intermarriage in the gens is not permitted. Descent in the female line among the Mandans would be singular where so many tribes of the same stock have it in the male, were it not in the archaic form from which the other tribes had but recently departed. It affords a strong presumption that it was originally in the female line in all the Dakotian tribes. This information with respect to the Mandans was obtained at the old Mandan Village in the Upper Missouri, in 1862, from Joseph Kip, whose mother was a Mandan

woman. He confirmed the fact of descent by naming his mother's gens, which was also his own.

2. Minnitarees. This tribe and the Upsarokas (Up-sar′-o-kas) or Crows, are subdivisions of an original people. They are doubtful members of this branch of the Ganowánian family: although from the number of words in their dialects and in those of the Missouri and Dakota tribes which are common, they have been placed with them linguistically. They have had an antecedent experience of which but little is known. Minnitarees carried horticulture, the timber-framed house, and a peculiar religious system into this area which they taught to [Pg 159]the Mandans. There is a possibility that they are descendants of the Mound-Builders. They have the seven following gentes:

1. Knife.	2. Water.	3. Lodge.
4. Prairie Chicken.	5. Hill People.	6. Unknown Animal.
	7. Bonnet.[159]	

Descent is in the female line, intermarriage in the gens is forbidden, and the office of sachem as well as property is hereditary in the gens. The Minnitarees and Mandans now live together in the same village. In personal appearance they are among the finest specimens of the Red Man now living in any part of North America.

3. Upsarokas or Crows. This tribe has the following gentes:

1. Prairie Dog.	2. Bad Leggins.
3. Skunk.	4. Treacherous Lodges.
5. Lost Lodges.	6. Bad Honors.
7. Butchers.	8. Moving Lodges.
9. Bear's Paw Mountain.	10. Blackfoot Lodges.
11. Fish Catchers.	12. Antelope.
13. Raven.[160]	

Descent, inheritance and the prohibition of intermarriage in the gens, are the same as among the Minnitarees. Several of the names of the Crow gentes are unusual, and more suggestive of bands than of gentes. For a time I was inclined to discredit them. But the existence of the organization into gentes was clearly established by their rules of descent, and marital usages, and by their laws of inheritance with respect to property. My interpreter when among the Crows was Robert Meldrum, then one of the factors of the American Fur Company, who had lived with the Crows forty years, and

was one of their chiefs. He had mastered the language so completely that he thought in it. The following special usages with respect to inheritance [Pg 160] were mentioned by him. If a person to whom any article of property had been presented died with it in his possession, and the donor was dead, it reverted to the gens of the latter. Property made or acquired by a wife descended after her death to her children; while that of her husband after his decease belonged to his gentile kindred. If a person made a present to a friend and died, the latter must perform some recognized act of mourning, such as cutting off the joint of a finger at the funeral, or surrender the property to the gens of his deceased friend.161

The Crows have a custom with respect to marriage, which I have found in at least forty other Indian tribes, which may be mentioned here, because some use will be made of it in a subsequent chapter. If a man marries the eldest daughter in a family he is entitled to all her sisters as additional wives when they attain maturity. He may waive the right, but if he insists, his superior claim would be recognized by her gens. Polygamy is allowed by usage among the American aborigines generally; but it was never prevalent to any considerable extent from the inability of persons to support more than one family. Direct proof of the existence of the custom first mentioned was afforded by Meldrum's wife, then at the age of twenty-five. She was captured when a child in a foray upon the Blackfeet, and became Meldrum's captive. He induced his mother-in-law to adopt the child into her gens and family, which made the captive the younger sister of his then wife, and gave him the right to take her as another wife when she reached maturity. He availed himself of this usage of the tribe to make his claim paramount. This usage has a great antiquity in the human family. It is a survival of the old custom of *punalua*.

III. *Gulf Tribes.*

1. Muscokees or Creeks. The Creek Confederacy consisted of six Tribes; namely, the Creeks, Hitchetes, Yoochees, Ala[Pg 161]bamas, Coosatees, and Natches, all of whom spoke dialects of the same language, with the exception of the Natches, who were admitted into the confederacy after their overthrow by the French.

The Creeks are composed of twenty-two gentes as follows:

1. Wolf.	2. Bear.	3. Skunk.
4. Alligator.	5. Deer.	6. Bird.

7. Tiger.	8. Wind.	9. Toad.
10. Mole.	11. Fox.	12. Raccoon.
13. Fish.	14. Corn.	15. Potatoe.
16. Hickory Nut.	17. Salt.	18. Wild Cat.
19. (Sig'n Lost).	20. (Sig'n Lost).[162]	21. (Sig'n Lost).
	22. (Sig'n Lost).[163]	

The remaining tribes of this confederacy are said to have had the organization into gentes, as the author was informed by the Rev. S. M. Loughridge, who was for many years a missionary among the Creeks, and who furnished the names of the gentes above given. He further stated that descent among the Creeks was in the female line; that the office of sachem and the property of deceased persons were hereditary in the gens, and that intermarriage in the gens was prohibited. At the present time the Creeks are partially civilized with a changed plan of life. They have substituted a political in place of the old social system, so that in a few years all traces of their old gentile institutions will have disappeared. In 1869 they numbered about fifteen thousand, which would give an average of five hundred and fifty persons to the gens.

2. Choctas. Among the Choctas the phratric organization appears in a conspicuous manner, because each phratry is named, and stands out plainly as a phratry. It doubtless existed in a majority of the tribes previously named, but the subject has not been specially investigated. The tribe of the

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Creeks consists of eight gentes arranged in two phratries, composed of four gentes each, as among the Iroquois.

I. *Divided People. (First Phratry).*

1. Reed.	2. Okla.	3. Law Lulak.	4. Linoklusha.

II. *Beloved People. (Second Phratry).*

1. Beloved People.	2. Small People.
3. Large People.	4. Cray Fish.[164]

The gentes of the same phratry could not intermarry; but the members of either of the first gentes could marry into either gens of the second, and *vice versâ*. It shows that the Choctas, like the Iroquois, commenced with two

gentes, each of which afterwards subdivided into four, and that the original prohibition of intermarriage in the gens had followed the subdivisions. Descent among the Choctas was in the female line. Property and the office of sachem were hereditary in the gens. In 1869 they numbered some twelve thousand, which would give an average of fifteen hundred persons to a gens. The foregoing information was communicated to the author by the late Dr. Cyrus Byington, who entered the missionary service in this tribe in 1820 while they still resided in their ancient territory east of the Mississippi, who removed with them to the Indian Territory, and died in the missionary service about the year 1868, after forty-five years of missionary labors. A man of singular excellence and purity of character, he has left behind him a name and a memory of which humanity may be proud.

A Chocta once expressed to Dr. Byington a wish that he might be made a citizen of the United States, for the reason that his children would then inherit his property instead of his gentile kindred under the old law of the gens. Chocta usages would distribute his property after his death among his brothers and sisters and the children of his sisters. He could, however, give his property to his children in his life-time, in which case they could hold it against the members of his gens. Many

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Indian tribes now have considerable property in domestic animals and in houses and lands owned by individuals, among whom the practice of giving it to their children in their life-time has become common to avoid gentile inheritance. As property increased in quantity the disinheritance of children began to arouse opposition to gentile inheritance; and in some of the tribes, that of the Choctas among the number, the old usage was abolished a few years since, and the right to inherit was vested exclusively in the children of the deceased owner. It came, however, through the substitution of a political system in the place of the gentile system, an elective council and magistracy being substituted in place of the old government of chiefs. Under the previous usages the wife inherited nothing from her husband, nor he from her; but the wife's effects were divided among her children, and in default of them, among her sisters.

3. Chickasas. In like manner the Chickasas were organized in two phratries, of which the first contains four, and the second eight gentes, as follows:

I. *Panther Phratry.*

1. Wild Cat. 2. Bird. 3. Fish. 4. Deer.

II. *Spanish Phratry.*

1. Raccoon. 2. Spanish. 3. Royal. 4. Hush-ko-ni.
5. Squirrel. 6. Alligator. 7. Wolf. 8. Blackbird.[165]

Descent was in the female line, intermarriage in the gens was prohibited, and property as well as the office of sachem were hereditary in the gens. The above particulars were obtained from the Rev. Charles C. Copeland, an American missionary residing with this tribe. In 1869 they numbered some five thousand, which would give an average of about four hundred persons to the gens. A new gens seems to have been formed after their intercourse with the Spaniards commenced, or this name, for reasons, may have been substituted in the place of an original name. One of the phratries is also called the Spanish.

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4. Cherokees. This tribe was anciently composed of ten gentes, of which two, the Acorn, *Ah-ne-dsŭ'-la*, and the Bird, *Ah-ne-dse'-skwä*, are now extinct. They are the following:

1. Wolf. 2. Red Paint 3. Long Prairie. 4. Deaf. (A bird.)
5. Holly. 6. Deer. 7. Blue. 8. Long Hair.[166]

Descent is in the female line, and intermarriage in the gens prohibited. In 1869 the Cherokees numbered fourteen thousand, which would give an average of seventeen hundred and fifty persons to each gens. This is the largest number, so far as the fact is known, ever found in a single gens among the American aborigines. The Cherokees and Ojibwas at the present time exceed all the remaining Indian tribes within the United States in the number of persons speaking the same dialect. It may be remarked further, that it is not probable that there ever was at any time in any part of North America a hundred thousand Indians who spoke the same dialect. The Aztecs, Tezcucans and Tlascalans were the only tribes of whom so large a number could, with any propriety, be claimed; and with respect to them it is difficult to perceive how the existence of so large a number in either tribe could be established, at the epoch of the Spanish Conquest, upon trustworthy evidence. The unusual numbers of the Creeks and Cherokees is due to the possession of domestic animals and a well-developed field agriculture. They are now partially civilized, having substituted an elective constitutional government in the place of the ancient gentes, under the influence of which the latter are rapidly falling into decadence.

5. Seminoles. This tribe is of Creek descent. They are said to be organized into gentes, but the particulars have not been obtained.

IV. *Pawnee Tribes.*

Whether or not the Pawnees are organized in gentes has not been ascertained. Rev. Samuel Allis, who had formerly been a missionary among them, expressed to the author his belief that they were, although he had not investigated the matter [Pg 165]specially. He named the following gentes of which he believed they were composed:

1. Bear. 2. Beaver. 3. Eagle.
4. Buffalo. 5. Deer. 6. Owl.

I once met a band of Pawnees on the Missouri, but was unable to obtain an interpreter.

The Arickarees, whose village is near that of the Minnitarees, are the nearest congeners of the Pawnees, and the same difficulty occurred with them. These tribes, with the Huecos and some two or three other small tribes residing on the Canadian river, have always lived west of the Missouri, and speak an independent stock language. If the Pawnees are organized in gentes, presumptively the other tribes are the same.

V. *Algonkin Tribes.*

At the epoch of their discovery this great stock of the American aborigines occupied the area from the Rocky Mountains to Hudson's Bay, south of the Siskatchewun, and thence eastward to the Atlantic, including both shores of Lake Superior, except at its head, and both banks of the St. Lawrence below Lake Champlain. Their area extended southward along the Atlantic coast to North Carolina, and down the east bank of the Mississippi in Wisconsin and Illinois to Kentucky. Within the eastern section of this immense region the Iroquois and their affiliated tribes were an intrusive people, their only competitor for supremacy within its boundaries.

Gitchigamian[167] Tribes. 1. Ojibwas. The Ojibwas speak the same dialect, and are organized in gentes, of which the names of twenty-three have been obtained without being certain that they include the whole number. In the Ojibwa dialect the word *totem*, quite as often pronounced *dodaim*, signifies the symbol or device of a gens; thus the figure of a wolf was the totem of the Wolf gens. From this Mr. Schoolcraft used the words "totemic system," to express the gentile organization, which would be perfectly acceptable were it not that we have both in the Latin and the Greek a terminology for every quality and character of the system which is already historical. It [Pg

166]may be used, however, with advantage. The Ojibwas have the following gentes:

1. Wolf.	2. Bear.	3. Beaver.
4. Turtle (Mud).	5. Turtle (Snapping).	6. Turtle (Little).
7. Reindeer.	8. Snipe.	9. Crane.
10. Pigeon Hawk.	11. Bald Eagle.	12. Loon.
13. Duck.	14. Duck.	15. Snake.
16. Muskrat.	17. Marten.	18. Heron.
19. Bull-head.	20. Carp.	21. Cat Fish
22. Sturgeon.	23. Pike.[168]	

Descent is in the male line, the children belonging to their father's gens. There are several reasons for the inference that it was originally in the female line, and that the change was comparatively recent. In the first place, the Delawares, who are recognized by all Algonkin tribes as one of the oldest of their lineage, and who are styled "Grandfathers" by all alike, still have descent in the female line. Several other Algonkin tribes have the same. Secondly, evidence still remains that within two or three generations back of the present, descent was in the female line, with respect to the office of chief.[169] Thirdly, American and missionary influences have generally opposed it. A scheme of descent which disinherited the sons seemed to the early missionaries, trained under very different conceptions, without justice or reason; and it is not improbable that in a number of tribes, the Ojibwas included, the change was made under their teachings. And lastly, since several Algonkin [Pg 167]tribes now have descent in the female line, it leads to the conclusion that it was anciently universal in the Ganowánian family, it being also the archaic form of the institution. Intermarriage in the gens is prohibited, and both property and office are hereditary in the gens. The children, however, at the present time, take the most of it to the exclusion of their gentile kindred. The property and effects of the mother pass to her children, and in default of them, to her sisters, own and collateral. In like manner the son may succeed his father in the office of sachem; but where there are several sons the choice is determined by the elective principle. The gentiles not only elect, but they also retain the power to depose. At the present time the Ojibwas number some sixteen thousand, which would give an average of about seven hundred to each gens.

2. Potawattamies. This tribe has fifteen gentes, as follows:

1. Wolf.	2. Bear.	3. Beaver.
4. Elk.	5. Loon.	6. Eagle.
7. Sturgeon.	8. Carp.	9. Bald Eagle.
10. Thunder.	11. Rabbit.	12. Crow.
13. Fox.	14. Turkey.	15. Black Hawk.[170]

Descent, inheritance, and the law of marriage are the same as among the Ojibwas.

3. Otawas.[171] The Ojibwas, Otawas and Potawattamies were subdivisions of an original tribe. When first known they were confederated. The Otawas were undoubtedly organized in gentes, but their names have not been obtained.

4. Crees. This tribe, when discovered, held the northwest shore of Lake Superior, and spread from thence to Hudson's Bay, and westward to the Red River of the North. At a later day they occupied the region of the Siskatchewun, and south of it. Like the Dakotas they have lost the gentile organization which presumptively once existed among them. Lin[Pg 168]guistically their nearest affiliation is with the Ojibwas, whom they closely resemble in manners and customs, and in personal appearance.

Mississippi Tribes. The western Algonkins, grouped under this name, occupied the eastern banks of the Mississippi in Wisconsin and Illinois, and extended southward into Kentucky, and eastward into Indiana.

1. Miamis. The immediate congeners of the Miamis, namely, the Weas, Piankeshaws, Peorias, and Kaskaskias, known at an early day, collectively, as the Illinois, are now few in numbers, and have abandoned their ancient usages for a settled agricultural life. Whether or not they were formerly organized in gentes has not been ascertained, but it is probable that they were. The Miamis have the following ten gentes:

1. Wolf.	2. Loon.	3. Eagle.	4. Buzzard.
5. Panther.	6. Turkey.	7. Raccoon.	8. Snow.
9. Sun.	10. Water.[172]		

Under their changed condition and declining numbers the gentile organization is rapidly disappearing. When its decline commenced descent was in the male line, intermarriage in the gens was forbidden, and the office of sachem together with property were hereditary in the gens.

2. Shawnees. This remarkable and highly advanced tribe, one of the highest representatives of the Algonkin stock, still retain their gentes, although they have substituted in place of the old gentile system a civil organization with a first and second head-chief and a council, each elected annually by popular suffrage. They have thirteen gentes, which they still maintain for social and genealogical purposes, as follows:

1. Wolf.	2. Loon.	3. Bear.	4. Buzzard.
5. Panther.	6. Owl.	7. Turkey.	8. Deer.
9. Raccoon.	10. Turtle.	11. Snake.	12. Horse.
13. Rabbit.[173]			

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Descent, inheritance, and the rule with respect to marrying out of the gens are the same as among the Miamis. In 1869 the Shawnees numbered but seven hundred, which would give an average of about fifty persons to the gens. They once numbered three or four thousand persons, which was above the average among the American Indian tribes.

The Shawnees had a practice, common also to the Miamis and Sauks and Foxes, of naming children into the gens of the father or of the mother or any other gens, under certain restrictions, which deserves a moment's notice. It has been shown that among the Iroquois each gens had its own special names for persons which no other gens had a right to use.[174] This usage was probably general. Among the Shawnees these names carried with them the rights of the gens to which they belonged, so that the name determined the gens of the person. As the sachem must, in all cases, belong to the gens over which he is invested with authority, it is not unlikely that the change of descent from the female line to the male commenced in this practice; in the first place to enable a son to succeed his father, and in the second to enable children to inherit property from their father. If a son when christened received a name belonging to the gens of his father it would place him in his father's gens and in the line of succession, but subject to the elective principle. The father, however, had no control over the question. It was left by the gens to certain persons, most of them matrons, who were to be consulted when children were to be named, with power to determine the name to be given. By some arrangement between the Shawnee gentes these persons had this power, and the name when conferred

in the prescribed manner, carried the person into the gens to which the name belonged.

There are traces of the archaic rule of descent among the Shawnees, of which the following illustration may be given as it was mentioned to the author. *Lä-ho'-weh*, a sachem of the

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Wolf gens, when about to die, expressed a desire that a son of one of his sisters might succeed him in the place of his own son. But his nephew (*Kos-kwa'-the*) was of the Fish and his son of the Rabbit gens, so that neither could succeed him without first being transferred, by a change of name, to the Wolf gens, in which the office was hereditary. His wish was respected. After his death the name of his nephew was changed to *Tep-a-tä-go-the'*, one of the Wolf names, and he was elected to the office. Such laxity indicates a decadence of the gentile organization; but it tends to show that at no remote period descent among the Shawnees was in the female line.

3. Sauks and Foxes. These tribes are consolidated into one, and have the following gentes:

1. Wolf.	2. Bear.	3. Deer.	4. Elk.
5. Hawk.	6. Eagle.	7. Fish.	8. Buffalo.
9. Thunder.	10. Bone.	11. Fox.	12. Sea.
13. Sturgeon.	14. Big Tree.[175]		

Descent, inheritance, and the rule requiring marriage out of the gens, are the same as among the Miamis. In 1869 they numbered but seven hundred, which would give an average of fifty persons to the gens. The number of gentes still preserved affords some evidence that they were several times more numerous within the previous two centuries.

4. Menominees and Kikapoos. These tribes, which are independent of each other, are organized in gentes, but their names have not been procured. With respect to the Menominees it may be inferred that, until a recent period, descent was in the female line, from the following statement made to the author, in 1859, by Antoine Gookie, a member of this tribe. In answer to a question concerning the rule of inheritance, he replied: “If I should die, my brothers and maternal uncles would rob my wife and children of my property. We now expect that our children will inherit our effects, but there is no certainty [Pg 171]of it. The old law gives my property to my nearest kindred who are not my children, but my brothers and sisters, and maternal

uncles." It shows that property was hereditary in the gens, but restricted to the agnatic kindred in the female line.

Rocky Mountain Tribes. 1. Blood Blackfeet. This tribe is composed of the five following gentes:

1. Blood. 2. Fish Eaters. 3. Skunk.
4. Extinct Animal. 5. Elk.[176]

Descent is in the male line, but intermarriage in the gens is not allowed.

2. Piegan Blackfeet. This tribe has the eight following gentes:

1. Blood. 2. Skunk. 3. Web Fat.
4. Inside Fat. 5. Conjurers. 6. Never Laugh.
7. Starving. 8. Half Dead Meat.[177]

Descent is in the male line, and intermarriage in the gens is prohibited. Several of the names above given are more appropriate to bands than to gentes; but as the information was obtained from the Blackfeet direct, through competent interpreters, (Mr. and Mrs. Alexander Culbertson, the latter a Blackfeet woman) I believe it reliable. It is possible that nicknames for gentes in some cases may have superseded the original names.

Atlantic Tribes.

1. Delawares. As elsewhere stated the Delawares are, in the duration of their separate existence, one of the oldest of the Algonkin tribes. Their home country, when discovered, was the region around and north of Delaware Bay. They are comprised in three gentes, as follows:

I. Wolf.	Took′-seat.	Round Paw.
II. Turtle.	Poke-koo-un′-go.	Crawling.
III. Turkey.	Pul-la′-ook.	Non-chewing.

These subdivisions are in the nature of phratries, because [Pg 172]each is composed of twelve sub-gentes, each having some of the attributes of a gens.[178] The names are personal, and mostly, if not in every case, those of females. As this feature was unusual I worked it out as minutely as possible at the Delaware reservation in Kansas, in 1860, with the aid of William Adams, an educated Delaware. It proved impossible to find the origin of these subdivisions, but they seemed to be the several eponymous ancestors from whom the members of the gentes respectively derived their descent. It shows also the natural growth of the phratries from the gentes.

Descent among the Delawares is in the female line, which renders probable its ancient universality in this form in the Algonkin tribes. The office of

sachem was hereditary in the gens, but elective among its members, who had the power both to elect and depose. Property also was hereditary in the gens. Originally the members of the three original gentes could not intermarry in their own gens; but in recent years the prohibition has been confined to the sub-gentes. Those of the same name in the Wolf gens, now partially become a phratry, for example, cannot intermarry, but those of different names marry. The practice of naming children into the gens of their father also [Pg 173]prevails among the Delawares, and has introduced the same confusion of descents found among the Shawnees and Miamis. American civilization and intercourse necessarily administered a shock to Indian institutions under which the ethnic life of the people is gradually breaking down.

Examples of succession in office afford the most satisfactory illustrations of the aboriginal law of descent. A Delaware woman, after stating to the author that she, with her children, belonged to the Wolf gens, and her husband to the Turtle, remarked that when Captain Ketchum (Tä-whe′-lä-na), late head chief or sachem of the Turtle gens, died, he was succeeded by his nephew, John Conner (Tä-tä-ne′-shă), a son of one of the sisters of the deceased sachem, who was also of the Turtle gens. The decedent left a son, but he was of another gens and consequently incapable of succeeding. With the Delawares, as with the Iroquois, the office passed from brother to brother, or from uncle to nephew, because descent was in the female line.

2. Munsees. The Munsees are an offshoot from the Delawares, and have the same gentes, the Wolf, the Turtle and the Turkey. Descent is in the female line, intermarriage in the gens is not permitted, and the office of sachem, as well as property, are hereditary in the gens.

3. Mohegans. All of the New England Indians, south of the river Kennebeck, of whom the Mohegans formed a part, were closely affiliated in language, and could understand each other’s dialects. Since the Mohegans are organized in gentes, there is a presumption that the Pequots, Narragansetts, and other minor bands were not only similarly organized, but had the same gentes. The Mohegans have the same three with the Delawares, the Wolf, the Turtle and the Turkey, each of which is composed of a number of gentes. It proves their immediate connection with the Delawares and Munsees by descent, and also reveals, as elsewhere stated, the process of subdivision by which an original gens breaks up into several, which remain united in a phratry. In this case also it may be seen how the

phratry arises naturally under gentile institutions. It is rare among the American aborigines to find preserved the evidence of the segmentation of original gentes as clearly as in the present case.

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The Mohegan phratries stand out more conspicuously than those of any other tribe of the American aborigines, because they cover the gentes of each, and the phratries must be stated to explain the classification of the gentes; but we know less about them than of those of the Iroquois. They are the following:

I. *Wolf Phratry. Took-se-tuk'.*

1. Wolf. 2. Bear. 3. Dog. 4. Opossum.

II. *Turtle Phratry. Tone-bä'-o.*

1. Little Turtle. 2. Mud Turtle. 3. Great Turtle. 4. Yellow Eel.

III. *Turkey Phratry.*

1. Turkey 2. Crane. 3. Chicken.[179]

Descent is in the female line, intermarriage in the gens is forbidden, and the office of sachem is hereditary in the gens, the office passing either from brother to brother, or from uncle to nephew. Among the Pequots and Narragansetts descent was in the female line, as I learned from a Narragansett woman whom I met in Kansas.

4. Abenakis. The name of this tribe, Wä-be-nă′-kee, signifies "Rising Sun People."[180] They affiliate more closely with the Micmacs than with the New England Indians south of the Kennebeck. They have fourteen gentes, as follows:

1. Wolf.	2. Wild Cat. (Black.)	3. Bear.
4. Snake.	5. Spotted Animal.	6. Beaver.
7. Cariboo.	8. Sturgeon.	9. Muskrat
10. Pigeon Hawk.	11. Squirrel.	12. Spotted Frog.
13. Crane.	14. Porcupine.[181]	

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Descent is now in the male line, intermarriage in the gens was anciently prohibited, but the prohibition has now lost most of its force. The office of

sachem was hereditary in the gens. It will be noticed that several of the above gentes are the same as among the Ojibwas.

VI. *Athapasco-Apache Tribes.*

Whether or not the Athapascans of Hudson's Bay Territory, and the Apaches of New Mexico, who are subdivisions of an original stock, are organized in gentes has not been definitely ascertained. When in the former territory, in 1861, I made an effort to determine the question among the Hare and Red Knife Athapascans, but was unsuccessful for want of competent interpreters; and yet it seems probable that if the system existed, traces of it would have been discovered even with imperfect means of inquiry. The late Robert Kennicott made a similar attempt for the author among the A-chä′-o-ten-ne, or Slave Lake Athapascans, with no better success. He found special regulations with respect to marriage and the descent of the office of sachem, which seemed to indicate the presence of gentes, but he could not obtain satisfactory information. The Kutchin (Louchoux) of the Yukon river region are Athapascans. In a letter to the author by the late George Gibbs, he remarks: "In a letter which I have from a gentleman at Fort Simpson, Makenzie river, it is mentioned that among the Louchoux or Kutchin there are three grades or classes of society—undoubtedly a mistake for totem, though the totems probably differ in rank, as he goes on to say—that a man does not marry into his own class, but takes a wife from some other; and that a chief from the highest may marry with a woman of the lowest without loss of caste. The children belong to the grade of the mother; and the members of the same grade in the different tribes do not war with each other."

Among the Kolushes of the Northwest Coast, who affiliate linguistically though not closely with the Athapascans, the organization into gentes exists. Mr. Gallatin remarks that they are "like our own Indians, divided into tribes or clans; a distinction of which, according to Mr. Hale, there is no trace among the Indians of Oregon. The names of the tribes [gen[Pg 176]tes] are those of animals, namely: Bear, Eagle, Crow, Porpoise and Wolf.... The right of succession is in the female line, from uncle to nephew, the principal chief excepted, who is generally the most powerful of the family."[182]

VII. *Indian Tribes of the Northwest Coast.*

In some of these tribes, beside the Kolushes, the gentile organization prevails. "Before leaving Puget's Sound," observes Mr. Gibbs, in a letter to

the author, “I was fortunate enough to meet representatives of three principal families of what we call the Northern Indians, the inhabitants of the Northwest Coast, extending from the Upper end of Vancouver’s Island into the Russian Possessions, and the confines of the Esquimaux. From them I ascertained positively that the totemic system exists at least among these three. The families I speak of are, beginning at the northwest, Tlinkitt, commonly called the Stikeens, after one of their bands; the Tlaidas; and Chimsyans, called by Gallatin, Weas. There are four totems common to these, the Whale, the Wolf, the Eagle, and the Crow. Neither of these can marry into the same totem, although in a different nation or family. What is remarkable is that these nations constitute entirely different families. I mean by this that their languages are essentially different, having no perceptible analogy.” Mr. Dall, in his work on Alaska, written still later, remarks that “the Tlinkets are divided into four totems: the Raven (Yehl), the Wolf (Kanu′kh), the Whale, and the Eagle (Chethl).... Opposite totems only can marry, and the child usually takes the mother’s totem.”183

Mr. Hubert H. Bancroft presents their organization still more fully, showing two phratries, and the gentes belonging to each. He remarks of the Thlinkeets that the “nation is separated into two great divisions or clans, one of which is called the Wolf and the other the Raven.... The Raven trunk is again divided into sub-clans, called the Frog, the Goose, the Sea-Lion, the Owl, and the Salmon. The Wolf family comprises the Bear, Eagle, Dolphin, Shark, and Alca.... Tribes of the same clan may not war on each other, but at the same time members of [Pg 177]the same clan may not marry with each other. Thus, the young Wolf warrior must seek his mate among the Ravens.”184

The Eskimos do not belong to the Ganowánian family. Their occupation of the American continent in comparison with that of the latter family was recent or modern. They are also without gentes.

VIII. *Salish, Sahaptin and Kootenay Tribes.*

The tribes of the Valley of the Columbia, of whom those above named represent the principal stocks, are without the gentile organization. Our distinguished philologists, Horatio Hale and the late George Gibbs, both of whom devoted special attention to the subject, failed to discover any traces of the system among them. There are strong reasons for believing that this remarkable area was the nursery land of the Ganowánian family, from

which, as the initial point of their migrations, they spread abroad over both divisions of the continent. It seems probable, therefore, that their ancestors possessed the organization into gentes, and that it fell into decay and finally disappeared.

IX. *Shoshonee Tribes.*

The Comanches of Texas, together with the Ute tribes, the Bonnaks, the Shoshonees, and some other tribes, belong to this stock. Mathew Walker, a Wyandote half-blood, informed the author, in 1859, that he had lived among the Comanches, and that they had the following gentes:

1. Wolf. 2. Bear. 3. Elk.
4. Deer. 5. Gopher. 6. Antelope.

If the Comanches are organized in gentes, there is a presumption that the other tribes of this stock are the same.

This completes our review of the social system of the Indian tribes of North America, north of New Mexico. The greater portion of the tribes named were in the Lower Status of barbarism at the epoch of European discovery, and the remainder in the Upper Status of savagery. From the wide and nearly universal prevalence of the organization into gentes, its ancient universality among them with descent in the female line may with reason be assumed. Their system was purely social, hav[Pg 178]ing the gens as its unit, and the phratry, tribe and confederacy as the remaining members of the organic series. These four successive stages of integration and re-integration express the whole of their experience in the growth of the idea of government. Since the principal Aryan and Semitic tribes had the same organic series when they emerged from barbarism, the system was substantially universal in ancient society, and inferentially had a common origin. The punaluan group, hereafter to be described more fully in connection with the growth of the idea of the family, evidently gave birth to the gentes, so that the Aryan, Semitic, Uralian, Turanian and Ganowánian families of mankind point with a distinctiveness seemingly unmistakable to a common punaluan stock, with the organization into gentes engrafted upon it, from which each and all were derived, and finally differentiated into families. This conclusion, I believe, will ultimately enforce its own acceptance, when future investigation has developed and verified the facts on a minuter scale. Such a great organic series, able to hold mankind in society through the latter part of the period of savagery, through the entire

period of barbarism, and into the early part of the period of civilization, does not arise by accident, but had a natural development from pre-existing elements. Rationally and rigorously interpreted, it seems probable that it can be made demonstrative of the unity of origin of all the families of mankind who possessed the organization into gentes.

X. *Village Indians.*

1. Moqui Pueblo Indians. The Moqui tribes are still in undisturbed possession of their ancient communal houses, seven in number, near the Little Colorado in Arizona, once a part of New Mexico. They are living under their ancient institutions, and undoubtedly at the present moment fairly represent the type of Village Indian life which prevailed from Zuñi to Cuzco at the epoch of Discovery. Zuñi, Acoma, Taos, and several other New Mexican pueblos are the same structures which were found there by Coronado in 1540-1542. Notwithstanding their apparent accessibility we know in reality but little concerning their mode of life or their domestic institutions. No systematic investigation has ever been made. What little information has found its way into print is general and accidental.

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The Moquis are organized in gentes, of which they have nine, as follows:

1. Deer.	2. Sand.	3. Rain.
4. Bear.	5. Hare.	6. Prairie Wolf.
7. Rattlesnake.	8. Tobacco Plant.	9. Reed Grass.

Dr. Ten Broeck, Assistant Surgeon, U. S. A., furnished to Mr. Schoolcraft the Moqui legend of their origin which he obtained at one of their villages. They said that "many years ago their Great Mother[185] brought from her home in the West nine races of men in the following form. First, the Deer race; second, the Sand race; third, the Water [Rain] race; fourth, the Bear race; fifth, the Hare race; sixth, the Prairie Wolf race; seventh, the Rattlesnake race; eighth, the Tobacco Plant race; and ninth, the Reed Grass race. Having planted them on the spot where their villages now stand, she transformed them into men who built up the present pueblos; and the distinction of race is still kept up. One told me that he was of the Sand race, another, the Deer, etc. They are firm believers in metempsychosis, and say that when they die they will resolve into their original forms, and become bears, deers, etc., again.... The government is hereditary, but does not necessarily descend to the son of the incumbent; for if they prefer any other

blood relative, he is chosen."186 Having passed, in this case, from the Lower into the Middle Status of barbarism, and found the organization into gentes in full development, its adaptation to their changed condition is demonstrated. Its existence among the Village Indians in general is rendered probable; but from this point forward in the remainder of North, and in the whole of South America, we are left without definite information except with respect to the Lagunas. It shows how incompletely the work has been done in American Ethnology, that the unit of their social system has been but partially discovered, and its significance not understood. Still, there are traces of it in the early Spanish authors, and direct knowledge of it in a few later writers, which when brought together will leave but little [Pg 180]doubt of the ancient universal prevalence of the gentile organizations throughout the Indian family.

There are current traditions in many gentes, like that of the Moquis, of the transformation of their first progenitors from the animal, or inanimate object, which became the symbol of the gens, into men and women. Thus, the Crane gens of the Ojibwas have a legend that a pair of cranes flew over the wide area from the Gulf to the Great Lakes and from the prairies of the Mississippi to the Atlantic in quest of a place where subsistence was most abundant, and finally selected the Rapids on the outlet of Lake Superior, since celebrated for its fisheries. Having alighted on the bank of the river and folded their wings the Great Spirit immediately changed them into a man and woman, who became the progenitors of the Crane gens of the Ojibwas. There are a number of gentes in the different tribes who abstain from eating the animal whose name they bear; but this is far from universal.

2. Lagunas. The Laguna Pueblo Indians are organized in gentes, with descent in the female line, as appears from an address of Rev. Samuel Gorman before the Historical Society of New Mexico in 1860. "Each town is classed into tribes or families, and each of these groups is named after some animal, bird, herb, timber, planet, or one of the four elements. In the pueblo of Laguna, which is one of above one thousand inhabitants, there are seventeen of these tribes; some are called bear, some deer, some rattlesnake, some corn, some wolf, some water, etc., etc. The children are of the same tribe as their mother. And, according to ancient custom, two persons of the same tribe are forbidden to marry; but, recently, this custom begins to be less rigorously observed than anciently."

"Their land is held in common, as the property of the community, but after a person cultivates a lot he has a personal claim to it, which he can sell to any one of the same community; or else when he dies it belongs to his widow or daughters; or, if he were a single man, it remains in his father's family."187 That wife or daughter inherit from the father is doubtful.
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3. Aztecs, Tezcucans and Tlacopans. The question of the organization of these, and the remaining Nahuatlac tribes of Mexico, in gentes will be considered in the next ensuing chapter.
4. Mayas of Yucatan. Herrera makes frequent reference to the "kindred," and in such a manner with regard to the tribes in Mexico, Central and South America as to imply the existence of a body of persons organized on the basis of consanguinity much more numerous than would be found apart from gentes. Thus: "He that killed a free man was to make satisfaction to the children and kindred."188 It was spoken of the aborigines of Nicaragua, and had it been of the Iroquois, among whom the usage was the same, the term *kindred* would have been equivalent to *gens*. And again, speaking generally of the Maya Indians of Yucatan, he remarks that "when any satisfaction was to be made for damages, if he who was adjudged to pay was like to be reduced to poverty, the kindred contributed."189 In this another gentile usage may be recognized. Again, speaking of the Aztecs; "if they were guilty, no favor or kindred could save them from death."190 One more citation to the same effect may be made, applied to the Florida Indians who were organized in gentes. He observes "that they were extravagantly fond of their children, and cherished them, the parents and kindred lamenting such as died a whole year."191 The early observers noticed, as a peculiarity of Indian society, that large numbers of persons were bound together by the bond of kin, and therefore the group came to be mentioned as "the kindred." But they did not carry the scrutiny far enough to discover, what was probably the truth, that the kindred formed a gens, and, as such, the unit of their social system.
Herrera remarks further of the Mayas, that "they were wont to observe their pedigrees very much, and therefore thought themselves all related, and were helpful to one another.... They did not marry mothers, or sisters-in-law, *nor any that bore the same name* as their father, which was looked upon as unlawful."192 The pedigree of an Indian under their system of [Pg

182]consanguinity could have no significance apart from a gens; but leaving this out of view, there was no possible way, under Indian institutions, by which a father and his children could bear the same *name* except through a gens, which conferred a common gentile name upon all its members. It would also require descent in the male line to bring father and children into the same gens. The statement shows, moreover, that intermarriage in the gens among the Mayas was prohibited. Assuming the correctness of Herrera's words, it is proof conclusive of the existence of gentes among the Mayas, with descent in the male line. Tylor, in his valuable work on the *Early History of Mankind*, which is a repository of widely-drawn and well-digested ethnological information, cites the same fact from another source, with the following remarks: "The analogy of the North American Indian custom is therefore with that of the Australian in making clanship on the female side a bar to marriage, but if we go down further south into Central America, the reverse custom, as in China, makes its appearance. Diego de Landa says of the people of Yucatan, that no one took a wife of his name, on the father's side, for this was a very vile thing among them; but they might marry cousins german on the mother's side."193

XI. *South American Indian Tribes.*

Traces of the gens have been found in all parts of South America, as well as the actual presence of the Ganowánian system of consanguinity, but the subject has not been fully investigated. Speaking of the numerous tribes of the Andes brought by the Incas under a species of confederation, Herrera observes that "this variety of tongues proceeded from the nations being divided into races, tribes, or clans."194 Here in the clans the existence of gentes is recognized. Mr. Tylor, discussing the rules with respect to marriage and descent, remarks that "further south, below the Isthmus, both the clanship and the prohibition re-appear on the female side. Bernau says that among the Arrawaks of British Guiana, 'Caste is derived from the mother, and children are allowed to marry into their father's family, [Pg 183]but not into that of their mother.' Lastly, Father Martin Dobrizhoffer says that the Guaranis avoid, as highly criminal, marriage with the most distant relations; and speaking of the Abipones, he makes the following statement: ... 'The Abipones, instructed by nature and the example of their ancestors, abhor the very thought of marrying any one related to them by

the most distant tie of relationship.'"[195] These references to the social system of the aborigines are vague; but in the light of the facts already presented the existence of gentes with descent in the female line, and with intermarriage in the gens prohibited, renders them intelligible. Brett remarks of the Indian tribes in Guiana that they "are divided into families, each of which has a distinct name, as the Siwidi, Karuafudi, Onisidi, etc. Unlike our families, these all descend in the female line, and no individual of either sex is allowed to marry another of the same family name. Thus a woman of the Siwidi family bears the same name as her mother, but neither her father nor her husband can be of that family. Her children and the children of her daughters will also be called Siwidi, but both her sons and daughters are prohibited from an alliance with any individual bearing the same name; though they may marry into the family of their father, if they choose. These customs are strictly observed, and any breach of them would be considered as wicked."[196] In the *family* of this writer may at once be recognized the gens in its archaic form. All the South American tribes above named, with the exception of the Andean, were when discovered either in the Lower Status of barbarism, or in the Status of savagery. Many of the Peruvian tribes concentrated under the government established by the Inca Village Indians were in the Lower Status of barbarism, if an opinion may be formed from the imperfect description of their domestic institutions found in Garcillasso de la Vega.

To the Village Indians of North and South America, whose indigenous culture had advanced them far into, and near the end of, the Middle Period of barbarism, our attention naturally turns for the transitional history of the gentes. The archaic [Pg 184]constitution of the gens has been shown; its latest phases remain to be presented in the gentes of the Greeks and Romans; but the intermediate changes, both of descent and inheritance, which occurred in the Middle Period, are essential to a complete history of the gentile organization. Our information is quite ample with respect to the earlier and later condition of this great institution, but defective with respect to the transitional stage. Where the gentes are found in any tribe of mankind in their latest form, their remote ancestors must have possessed them in the archaic form; but historical criticism demands affirmative proofs rather than deductions. These proofs once existed among the Village Indians. We are now well assured that their system of government was social and not

political. The upper members of the series, namely, the tribe and the confederacy, meet us at many points; with positive evidence of the gens, the unit of the system, in a number of the tribes of Village Indians. But we are not able to place our hands upon the gentes among the Village Indians in general with the same precise information afforded by the tribes in the Lower Status of barbarism. The golden opportunity was presented to the Spanish conquerers and colonists, and lost, from apparent inability to understand a condition of society from which civilized man had so far departed in his onward progress. Without a knowledge of the unit of their social system, which impressed its character upon the whole organism of society, the Spanish histories fail entirely in the portrayal of their governmental institutions.

A glance at the remains of ancient architecture in Central America and Peru sufficiently proves that the Middle Period of barbarism was one of great progress in human development, of growing knowledge, and of expanding intelligence. It was followed by a still more remarkable period in the Eastern hemisphere after the invention of the process of making iron had given that final great impulse to human progress which was to bear a portion of mankind into civilization. Our appreciation of the grandeur of man's career in the Later Period of barbarism, when inventions and discoveries multiplied with such rapidity, would be intensified by an accurate knowl[Pg 185]edge of the condition of society in the Middle Period, so remarkably exemplified by the Village Indians. By a great effort, attended with patient labor, it may yet be possible to recover a large portion at least of the treasures of knowledge which have been allowed to disappear. Upon our present information the conclusion is warrantable that the American Indian tribes were universally organized in gentes at the epoch of European discovery, the few exceptions found not being sufficient to disturb the general rule.

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CHAPTER VII. - THE AZTEC CONFEDERACY.

Misconception of Aztec Society.—Condition of Advancement.—Nahuatlac Tribes.—Their Settlement in Mexico.—Pueblo of Mexico founded, A. D., 1325.—Aztec Confederacy Established, A. D., 1426.—Extent of Territorial Domination.—Probable Number of the People.—

Whether or not the Aztecs were organized in Gentes and Phratries.—The Council of Chiefs.—Its probable Functions.—Office held by Montezuma. —Elective in Tenure.—Deposition of Montezuma.—Probable Functions of the Office.—Aztec Institutions essentially Democratical—The Government a Military Democracy.

The Spanish adventurers, who captured the Pueblo of Mexico, adopted the erroneous theory that the Aztec government was a monarchy, analogous in essential respects to existing monarchies in Europe. This opinion was adopted generally by the early Spanish writers, without investigating minutely the structure and principles of the Aztec social system. A terminology not in agreement with their institutions came in with this misconception which has vitiated the historical narrative nearly as completely as though it were, in the main, a studied fabrication. With the capture of the only stronghold the Aztecs possessed, their governmental fabric was destroyed, Spanish rule was substituted in its place, and the subject of their internal organization and polity was allowed substantially to pass into oblivion.197

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The Aztecs and their confederate tribes were ignorant of iron and consequently without iron tools; they had no money, and traded by barter of commodities; but they worked the native metals, cultivated by irrigation, manufactured coarse fabrics of cotton, constructed joint-tenement houses of adobe-bricks and of stone, and made earthenware of excellent quality. They had, therefore, attained to the Middle Status of barbarism. They still held their lands in common, lived in large households composed of a number of related families; and, as there are strong reasons for believing, practiced communism in living in the household. It is rendered reasonably certain that they had but one prepared meal each day, a dinner; at which they separated, the men eating first and by themselves, and the women and children afterwards. Having neither tables nor chairs for dinner service they had not learned to eat their single daily meal in the manner of civilized nations. These features of their social condition show sufficiently their relative status of advancement.

In connection with the Village Indians of other parts of Mexico and Central America, and of Peru, they afforded the best exemplification of this condition of ancient society then existing on the earth. They represented one of the great stages of progress toward civilization in which the

institutions derived from a previous ethnical period are seen in higher advancement, and which were to be transmitted, in the course of human experience, to an ethnical condition still higher, and undergo still further development before civilization was possible. But the Village Indians were not destined to attain the Upper Status of barbarism so well represented by the Homeric Greeks.

The Indian pueblos in the valley of Mexico revealed to Europeans a lost condition of ancient society, which was so remarkable and peculiar that it aroused at the time an insatiable curiosity. More volumes have been written, in the propor[Pg 188]tion of ten to one, upon the Mexican aborigines and the Spanish Conquest, than upon any other people of the same advancement, or upon any event of the same importance. And yet, there is no people concerning whose institutions and plan of life so little is accurately known. The remarkable spectacle presented so inflamed the imagination that romance swept the field, and has held it to the present hour. The failure to ascertain the structure of Aztec society which resulted was a serious loss to the history of mankind. It should not be made a cause of reproach to any one, but rather for deep regret. Even that which has been written, with such painstaking industry, may prove useful in some future attempt to reconstruct the history of the Aztec confederacy. Certain facts remain of a positive kind from which other facts may be deduced; so that it is not improbable that a well-directed original investigation may yet recover, measurably at least, the essential features of the Aztec social system.

The “kingdom of Mexico” as it stands in the early histories, and the “empire of Mexico” as it appears in the later, is a fiction of the imagination. At the time there was a seeming foundation for describing the government as a monarchy, in the absence of a correct knowledge of their institutions; but the misconception can no longer be defended. That which the Spaniards found was simply a confederacy of three Indian tribes, of which the counterpart existed in all parts of the continent, and they had no occasion in their descriptions to advance a step beyond this single fact. The government was administered by a council of chiefs, with the co-operation of a general commander of the military bands. It was a government of two powers; the civil being represented by the council, and the military by a principal war-chief. Since the institutions of the confederate tribes were essentially

democratical, the government may be called a military democracy, if a designation more special than confederacy is required.

Three tribes, the Aztecs or Mexicans, the Tezcucans and the Tlacopans, were united in the Aztec confederacy, which gives the two upper members of the organic social series. Whether or not they possessed the first and the second, namely,[Pg 189] the gens and the phratry, does not appear in a definite form in any of the Spanish writers; but they have vaguely described certain institutions which can only be understood by supplying the lost members of the series. Whilst the phratry is not essential, it is otherwise with the gens, because it is the unit upon which the social system rests. Without entering the vast and unthreadable labyrinth of Aztec affairs as they now stand historically, I shall venture to invite attention to a few particulars only of the Aztec social system, which may tend to illustrate its real character. Before doing this, the relations of the confederated to surrounding tribes should be noticed.

The Aztecs were one of seven kindred tribes who had migrated from the north and settled in and near the valley of Mexico; and who were among the historical tribes of that country at the epoch of the Spanish Conquest. They called themselves collectively the Nahuatlacs in their traditions. Acosta, who visited Mexico in 1585, and whose work was published at Seville in 1589, has given the current native tradition of their migrations, one after the other, from Aztlan, with their names and places of settlement. He states the order of their arrival as follows: 1. Sochimilcas, "Nation of the Seeds of Flowers," who settled upon Lake Xochimilco, on the south slope of the valley of Mexico; 2. Chalcas, "People of Mouths," who came long after the former and settled near them, on Lake Chalco; 3. Tepanecans, "People of the Bridge," who settled at Azcopozalco, west of Lake Tezcuco, on the western slope of the valley; 4. Culhuas, "A Crooked People," who settled on the east side of Lake Tezcuco, and were afterwards known as Tezcucans; 5. Tlatluicans, "Men of the Sierra," who, finding the valley appropriated around the lake, passed over the Sierra southward and settled upon the other side; 6. Tlascalans, "Men of Bread," who, after living for a time with the Tepanecans, finally settled beyond the valley eastward, at Tlascala; 7. The Aztecs, who came last and occupied the site of the present city of Mexico.198 Acosta further observes that they came "from far countries which lie toward the north, where now [Pg 190] they have found

a kingdom which they call New Mexico."[199] The same tradition is given by Herrera,[200] and also by Clavigero.[201] It will be noticed that the Tlacopans are not mentioned. They were, in all probability, a subdivision of the Tepanecans who remained in the original area of that tribe, while the remainder seem to have removed to a territory immediately south of the Tlascalans, where they were found under the name of the Tepeacas. The latter had the same legend of the seven caves, and spoke a dialect of the Nahuatlac language.[202]

This tradition embodies one significant fact of a kind that could not have been invented; namely, that the seven tribes were of immediate common origin, the fact being confirmed by their dialects; and a second fact of importance, that they came from the north. It shows that they were originally one people, who had fallen into seven and more tribes by the natural process of segmentation. Moreover, it was this same fact which rendered the Aztec confederacy possible as well as probable, a common language being the essential basis of such organizations.

The Aztecs found the best situations in the valley occupied, and after several changes of position they finally settled upon a small expanse of dry land in the midst of a marsh bordered with fields of pedregal and with natural ponds. Here they founded the celebrated pueblo of Mexico (Tenochtitlan), A. D. 1325, according to Clavigero, one hundred and ninety-six years prior to the Spanish Conquest.[203] They were few in number and poor in condition. But fortunately for them, the outlet of Lakes Xochimilco and Chalco and rivulets from the western hills flowed past their site into Lake Tezcuco. Having the sagacity to perceive the advantages of the location they succeeded, by means of causeways and dikes, in surrounding their pueblo with an artificial pond of large extent, the waters being furnished from the sources named; and the level of Lake Tezcuco being higher then than at present, it gave them, when [Pg 191]the whole work was completed, the most secure position of any tribe in the valley. The mechanical engineering by which they accomplished this result was one of the greatest achievements of the Aztecs, and one without which they would not probably have risen above the level of the surrounding tribes. Independence and prosperity followed, and in time a controlling influence over the valley tribes. Such was the manner, and so recent the time of

founding the pueblo according to Aztec traditions which may be accepted as substantially trustworthy.

At the epoch of the Spanish Conquest five of the seven tribes, namely, the Aztecs, Tezcucans, Tlacopans, Sochimilcas, and Chalcans resided in the valley, which was an area of quite limited dimensions, about equal to the state of Rhode Island. It was a mountain or upland basin having no outlet, oval in form, being longest from north to south, one hundred and twenty miles in circuit, and embracing about sixteen hundred square miles excluding the surface covered by water. The valley, as described, is surrounded by a series of hills, one range rising above another with depressions between, encompassing the valley with a mountain barrier. The tribes named resided in some thirty pueblos, more or less, of which that of Mexico was the largest. There is no evidence that any considerable portion of these tribes had colonized outside of the valley and the adjacent hill-slopes; but, on the contrary, there is abundant evidence that the remainder of modern Mexico was then occupied by numerous tribes who spoke languages different from the Nahuatlac, and the majority of whom were independent. The Tlascalans, the Cholulans, a supposed subdivision of the former, the Tepeacas, the Huexotzincos, the Meztitlans, a supposed subdivision of the Tezcucans, and the Tlatluicans were the remaining Nahuatlac tribes living without the valley of Mexico, all of whom were independent excepting the last, and the Tepeacas. A large number of other tribes, forming some seventeen territorial groups, more or less, and speaking as many stock languages, held the remainder of Mexico. They present, in their state of disintegration and independence, a nearly exact repetition of the tribes of the United States and British America, at the time of their discovery, a century or more later.

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Prior to A. D. 1426, when the Aztec confederacy was formed, very little had occurred in the affairs of the valley tribes of historical importance. They were disunited and belligerent, and without influence beyond their immediate localities. About this time the superior position of the Aztecs began to manifest its results in a preponderance of numbers and of strength. Under their war-chief, Itzcoatl, the previous supremacy of the Tezcucans and Tlacopans was overthrown, and a league or confederacy was established as a consequence of their previous wars against each other. It was an alliance between the three tribes, offensive and defensive, with

stipulations for the division among them, in certain proportions, of the spoils, and the after tributes of subjugated tribes.204 These tributes, which consisted of the manufactured fabrics and horticultural products of the villages subdued, seem to have been enforced with system, and with rigor of exaction.

The plan of organization of this confederacy has been lost. From the absence of particulars it is now difficult to determine whether it was simply a league to be continued or dissolved at pleasure; or a consolidated organization, like that of the Iroquois, in which the parts were adjusted to each other in permanent and definite relations. Each tribe was independent in whatever related to local self-government; but the three were externally one people in whatever related to aggression or defense. While each tribe had its own council of chiefs, and its own head war-chief, the war-chief of the Aztecs was the commander-in-chief of the confederate bands. This may be inferred from the fact that the Tezcucans and Tlacopans had a voice either in the election or in the confirmation of the Aztec war-chief. The acquisition of the chief command by the Aztecs tends to show that their influence predominated in establishing the terms upon which the tribes confederated.

Nezahualcojotl had been deposed, or at least dispossessed of his office, as principal war-chief of the Tezcucans, to which he was at this time (1426) restored by Aztec procurement. The event may be taken as the elate of the formation of the confederacy or league whichever it was.

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Before discussing the limited number of facts which tend to illustrate the character of this organization, a brief reference should be made to what the confederacy accomplished in acquiring territorial domination during the short period of its existence.

From A. D. 1426 to 1520, a period of ninety-four years, the confederacy was engaged in frequent wars with adjacent tribes, and particularly with the feeble Village Indians southward from the valley of Mexico to the Pacific, and thence eastward well toward Guatemala. They began with those nearest in position whom they overcame, through superior numbers and concentrated action, and subjected to tribute. The villages in this area were numerous but small, consisting in many cases of a single large structure of adobe-brick or of stone, and in some cases of several such structures

grouped together. These joint-tenement houses interposed serious hinderances to Aztec conquest, but they did not prove insuperable. These forays were continued from time to time for the avowed object of gathering spoil, imposing tribute, and capturing prisoners for sacrifice;205 until the principal tribes within the area named, with some exceptions, were subdued and made tributary, including the scattered villages of the Totonacs near the present Vera Cruz.

No attempt was made to incorporate these tribes in the Aztec confederacy, which the barrier of language rendered [Pg 194]impossible under their institutions. They were left under the government of their own chiefs, and to the practice of their own usages and customs. In some cases a collector of tribute resided among them. The barren results of these conquests reveal the actual character of their institutions. A domination of the strong over the weak for no other object than to enforce an unwilling tribute, did not even tend to the formation of a nation. If organized in gentes, there was no way for an individual to become a member of the government except through a gens, and no way for the admission of a gens except by its incorporation among the Aztec, Tezcucan, or Tlacopan gentes. The plan ascribed to Romulus of removing the gentes of conquered Latin tribes to Rome might have been resorted to by the Aztec confederacy with respect to the tribes overrun; but they were not sufficiently advanced to form such a conception, even though the barrier of language could have been obviated. Neither could colonists for the same reason, if sent among them, have so far assimilated the conquered tribes as to prepare them for incorporation in the Aztec social system. As it was, the confederacy gained no strength by the terrorism it created; or by holding these tribes under burdens, inspired with enmity and ever ready to revolt. It seems, however, that they used the military bands of subjugated tribes in some cases, and shared with them the spoils. All the Aztecs could do, after forming the confederacy, was to expand it over the remaining Nahuatlac tribes. This they were unable to accomplish. The Xochimilcas and Chalcans were not constituent members of the confederacy, but they enjoyed a nominal independence, though tributary.

This is about all that can now be discovered of the material basis of the so-called kingdom or empire of the Aztecs. The confederacy was confronted by hostile and independent tribes on the west, northwest, northeast, east,

and southeast sides: as witness, the Mechoacans on the west, the Otomies on the northwest, (scattered bands of the Otomies near the valley had been placed under tribute), the Chichimecs or wild tribes north of the Otomies, the Meztitlans on the northeast, the Tlascalans on the east, the Cholulans and Huexotzincos on the southeast,[Pg 195] and beyond them the tribes of the Tabasco, the tribes of Chiapas, and the Zapotecs. In these several directions the dominion of the Aztec confederacy did not extend a hundred miles beyond the valley of Mexico, a portion of which surrounding area was undoubtedly neutral ground separating the confederacy from perpetual enemies. Out of such limited materials the kingdom of Mexico of the Spanish chronicles was fabricated, and afterwards magnified into the Aztec empire of current history.

A few words seem to be necessary concerning the population of the valley and of the pueblo of Mexico. No means exist for ascertaining the number of the people in the five Nahuatlac tribes who inhabited the valley. Any estimate must be conjectural. As a conjecture then, based upon what is known of their horticulture, their means of subsistence, their institutions, their limited area, and not forgetting the tribute they received, two hundred and fifty thousand persons in the aggregate would probably be an excessive estimate. It would give about a hundred and sixty persons to the square mile, equal to nearly twice the present average population of the state of New York, and about equal to the average population of Rhode Island. It is difficult to perceive what sufficient reason can be assigned for so large a number of inhabitants in all the villages within the valley, said to have been from thirty to forty. Those who claim a higher number will be bound to show how a barbarous people, without flocks and herds, and without field agriculture, could have sustained in equal areas a larger number of inhabitants than a civilized people can now maintain armed with these advantages. It cannot be shown for the simple reason that it could not have been true. Out of this population thirty thousand may, perhaps, be assigned to the pueblo of Mexico.206

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It will be unnecessary to discuss the position and relations of the valley tribes beyond the suggestions made. The Aztec monarchy should be dismissed from American aboriginal history, not only as delusive, but as a misrepresentation of the Indians, who had neither developed nor invented

monarchical institutions. The government they formed was a confederacy of tribes, and nothing more; and probably not equal in plan and symmetry with that of the Iroquois. In dealing with this organization, War-chief, Sachem, and Chief will be sufficient to distinguish their official persons.
The pueblo of Mexico was the largest in America. Romantically situated in the midst of an artificial lake, its large joint-tenement houses plastered over with gypsum, which made them a brilliant white, and approached by causeways, it presented to the Spaniards, in the distance, a striking and enchanting spectacle. It was a revelation of an ancient society lying two ethnical periods back of European society, and eminently calculated, from its orderly plan of life, to awaken curiosity and inspire enthusiasm. A certain amount of extravagance of opinion was unavoidable.
A few particulars have been named tending to show the extent of Aztec advancement to which some others may now be added. Ornamental gardens were found, magazines of weapons and of military costumes, improved apparel, manufactured fabrics of cotton of superior workmanship, improved implements and utensils, and an increased variety of food; picture-writing, used chiefly to indicate the tribute in kind each subjugated village was to pay; a calendar for measuring time, and open markets for the barter of commodities.
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Administrative offices had been created to meet the demands of a growing municipal life; a priesthood, with a temple worship and a ritual including human sacrifices, had been established. The office of head war-chief had also risen into increased importance. These, and other circumstances of their condition, not necessary to be detailed, imply a corresponding development of their institutions. Such are some of the differences between the Lower and the Middle Status of barbarism, as illustrated by the relative conditions of the Iroquois and the Aztecs, both having doubtless the same original institutions.
With these preliminary suggestions made, the three most important and most difficult questions with respect to the Aztec social system, remain to be considered. They relate first, to the existence of Gentes and Phratries; second, the existence and functions of the Council of Chiefs; and, third, the existence and functions of the office of General Military Commander, held by Montezuma.
I. *The Existence of Gentes and Phratries.*

It may seem singular that the early Spanish writers did not discover the Aztec gentes, if in fact they existed; but the case was nearly the same with the Iroquois under the observation of our own people more than two hundred years. The existence among them of clans, named after animals, was pointed out at an early day, but without suspecting that it was the unit of a social system upon which both the tribe and the confederacy rested.207 The failure of the Spanish investigators to notice the existence of the gentile organization among the tribes of Spanish America would afford no proof of its non-existence; but if it did exist, it would simply prove that their work was superficial in this respect.

There is a large amount of indirect and fragmentary evidence in the Spanish writers pointing both to the gens and the phratry, some of which will now be considered. Reference has been made to the frequent use of the term "kindred" by Herrera, showing that groups of persons were noticed who were bound together by affinities of blood. This, from the size of the group, [Pg 198]seems to require a gens. The term "lineage" is sometimes used to indicate a still larger group, and implying a phratry.

The pueblo of Mexico was divided geographically into four quarters, each of which was occupied by a lineage, a body of people more nearly related by consanguinity among themselves than they were to the inhabitants of the other quarters. Presumptively, each lineage was a phratry. Each quarter was again subdivided, and each local subdivision was occupied by a community of persons bound together by some common tie.208 Presumptively, this community of persons was a gens. Turning to the kindred tribe of Tlascalans, the same facts nearly re-appear. Their pueblo was divided into four quarters, each occupied by a lineage. Each had its own Teuctli or head war-chief, its distinctive military costume, and its own standard and blazon.209 As one people they were under the government of a council of chiefs, which the Spaniards honored with the name of the Tlascalan senate.210 Cholula, in like manner, was divided into six quarters, called wards by Herrera, which leads to the same inference.211 The Aztecs in their social subdivisions having arranged among themselves the parts of the pueblo they were severally to occupy, these geographical districts would result from their mode of settlement. If the brief account of these *quarters* at the foundation of Mexico, given by Herrera, who follows Acosta, is read in the light of this explanation, the truth of the matter will be brought quite

near. After mentioning the building of a “chapel of lime and stone for the idol,” Herrera proceeds as follows: “When this was done, the idol ordered a priest to bid the chief men divide themselves, with their kindred and followers, into four wards or quarters, leaving the house that had been built for him to rest in the middle, and each party to build as they liked best. These are the four quarters of Mexico now called St. John, St. Mary the Round, St. Paul and St. Sebastian. That division being accordingly made, their idol again directed them to distribute among them[Pg 199]selves the gods he should name, and each ward to appoint peculiar places where the gods should be worshiped; and thus every quarter has several smaller wards in it according to the number of their gods this idol called them to adore.... Thus Mexico, Tenochtitlan, was founded.... When the aforesaid partition was made, those who thought themselves injured, with their kindred and followers, went away to seek some other place,”212 namely, Tlatelulco, which was adjacent. It is a reasonable interpretation of this language that they divided by kin, first into four general divisions, and these into smaller subdivisions, which is the usual formula for stating results. But the actual process was the exact reverse; namely, each body of kindred located in an area by themselves, and the several bodies in such a way as to bring those most nearly related in geographical connection with each other. Assuming that the lowest subdivision was a gens, and that each quarter was occupied by a phratry, composed of related gentes, the primary distribution of the Aztecs in their pueblo is perfectly intelligible. Without this assumption it is incapable of a satisfactory explanation. When a people, organized in gentes, phratries and tribes, settled in a town or city, they located by gentes and by tribes, as a necessary consequence of their social organization. The Grecian and Roman tribes settled in their cities in this manner. For example, the three Roman tribes were organized in gentes and curiæ, the curia being the analogue of the phratry; and they settled at Rome by gentes, by curias and by tribes. The Ramnes occupied the Palatine Hill. The Tities were mostly on the Quirinal, and the Luceres mostly on the Esquiline. If the Aztecs were in gentes and phratries, having but one tribe, they would of necessity be found in as many quarters as they had phratries, with each gens of the same phratry in the main locally by itself. As husband and wife were of different gentes, and the children were of the gens of the father or mother as descent

was in the male or the female line, the preponderating number in each locality would be of the same gens.

Their military organization was based upon these social di[Pg 200]visions. As Nestor advised Agamemnon to arrange the troops by phratries and by tribes, the Aztecs seem to have arranged themselves by gentes and by phratries. In the *Mexican Chronicles*, by the native author Tezozomoc (for a reference to the following passage, in which I am indebted to my friend Mr. Ad. F. Bandelier, of Highland, Illinois, who is now engaged upon its translation), a proposed invasion of Michoacan is referred to. Axaycatl "spoke to the Mexican captains Tlacatecatl and Tlacochcalcatl, and to all the others, and inquired whether all the Mexicans were prepared, after the usages and customs of each ward, each one with its captains; and if so that they should begin to march, and that all were to reunite at Matlatzinco Toluca."213 It indicates that the military organization was by gentes and by phratries.

An inference of the existence of Aztec gentes arises also from their land tenure. Clavigero remarks that "the lands which were called *Altepetlalli* [altepetl = pueblo] that is, those of the communities of cities and villages, were divided into as many parts as there were districts in a city, and every district possessed its own part entirely distinct from, and independent of every other. These lands could not be alienated by any means whatever."214 In each of these communities we are led to recognize a gens, whose localization was a necessary consequence of their social system. Clavigero puts the districts for the community, whereas it was the latter which made the district, and which owned the lands in common. The element of kin which united each community, omitted by Clavigero, is supplied by Herrera. "There were other lords, called major parents [sachems], whose landed property all belonged to one lineage [gens], which lived in one district, and there were many of them when the lands were distributed at the time New Spain was peopled; and each lineage received its own, and have possessed them until now; and these lands did not belong to any one in particular, but to all in common, and he who possessed them could not sell them, although he enjoyed them for life [Pg 201]and left them to his sons and heirs; and if a house died out they were left to the nearest parent to whom they were given and to no other, who administered the same district or lineage."215 In this remarkable statement our author

was puzzled to harmonize the facts with the prevailing theory of Aztec institutions. He presents to us an Aztec lord who held the fee of the land as a feudal proprietor, and a title of rank pertaining to it, both of which he transmitted to his son and heir. But in obedience to truth he states the essential fact that the lands belonged to a body of consanguinei of whom he is styled the major parent, *i. e.*, he was the sachem, it may be supposed, of the gens, the latter owning these lands in common. The suggestion that he held the lands in trust means nothing. They found Indian chiefs connected with gentes, each gens owning a body of lands in common, and when the chief died, his place was filled by his son, according to Herrera. In so far it may have been analogous to a Spanish estate and title; and the misconception resulted from a want of knowledge of the nature and tenure of the office of chief. In some cases they found the son did not succeed his father, but the office went to some other person; hence the further statement, "if a house (*alguna casa*, another feudal feature) died out, they [the lands] were left to the nearest major parent;" *i. e.*, another person was elected sachem, as near as any conclusion can be drawn from the language. What little has been given to us by the Spanish writers concerning Indian chiefs, and the land tenure of the tribes is corrupted by the use of language adapted to feudal institutions that had no existence among them. In this *lineage* we are warranted in recognizing an Aztec gens; and in this *lord* an Aztec sachem, whose office was hereditary in the gens, in the sense elsewhere stated, and elective among its members. If descent was in the male line, the choice would fall upon one of the sons of the deceased sachem, own or collateral, upon a grandson, through one of his sons, or upon a brother, own or collateral. But if in the female line it would fall upon a brother or nephew, own or collateral, as elsewhere explained.
[Pg 202]
The sachem had no title whatever to the lands, and therefore none to transmit to any one. He was thought to be the proprietor because he held an office which was perpetually maintained, and because there was a body of lands perpetually belonging to a gens over which he was a sachem. The misconception of this office and of its tenure has been the fruitful source of unnumbered errors in our aboriginal histories. The *lineage* of Herrera, and the *communities* of Clavigero were evidently organizations, and the same

organization. They found in this body of kindred, without knowing the fact, the unit of their social system—a gens, as we must suppose.

Indian chiefs are described as lords by Spanish writers, and invested with rights over lands and over persons they never possessed. It is a misconception to style an Indian chief a lord in the European sense, because it implies a condition of society that did not exist. A lord holds a rank and a title by hereditary right, secured to him by special legislation in derogation of the rights of the people as a whole. To this rank and title, since the overthrow of feudalism, no duties are attached which may be claimed by the king or the kingdom as a matter of right. On the contrary, an Indian chief holds an office, not by hereditary right, but by election from a constituency, which retained the right to depose him for cause. The office carried with it the obligation to perform certain duties for the benefit of the constituency. He had no authority over the persons or property or lands of the members of the gens. It is thus seen that no analogy exists between a lord and his title, and an Indian chief and his office. One belongs to political society, and represents an aggression of the few upon the many; while the other belongs to gentile society and is founded upon the common interests of the members of the gens. Unequal privileges find no place in the gens, phratry or tribe.

Further traces of the existence of Aztec gentes will appear. A *prima facie* case of the existence of gentes among them is at least made out. There was also an antecedent probability to this effect, from the presence of the two upper members of the organic series, the tribe, and the confederacy, and from the general prevalence of the organization among other tribes. A[Pg 203] very little close investigation by the early Spanish writers would have placed the question beyond a doubt, and, as a consequence, have given a very different complexion to Aztec history.

The usages regulating the inheritance of property among the Aztecs have come down to us in a confused and contradictory condition. They are not material in this discussion, except as they reveal the existence of bodies of consanguinei, and the inheritance by children from their fathers. If the latter were the fact it would show that descent was in the male line, and also an extraordinary advance in a knowledge of property. It is not probable that children enjoyed an exclusive inheritance, or that any Aztec owned a foot of land which he could call his own, with power to sell and convey to whomsoever he pleased.

II. *The Existence and Functions of the Council of Chiefs.*
The existence of such a council among the Aztecs might have been predicted from the necessary constitution of Indian society. Theoretically, it would have been composed of that class of chiefs, distinguished as sachems, who represented bodies of kindred through an office perpetually maintained. Here again, as elsewhere, a necessity is seen for gentes, whose principal chiefs would represent the people in their ultimate social subdivisions as among the Northern tribes. Aztec gentes are fairly necessary to explain the existence of Aztec chiefs. Of the presence of an Aztec council there is no doubt whatever; but of the number of its members and of its functions we are left in almost total ignorance. Brasseur de Bourbourg remarks generally that "nearly all the towns or tribes are divided into four clans or quarters whose chiefs constitute the great council."216 Whether he intended to limit the number to one chief from each quarter is not clear; but elsewhere he limits the Aztec council to four chiefs. Diego Duran, who wrote his work in 1579-1581, and thus preceded both Acosta and Tezozomoc, remarks as follows: "First we must know, that in Mexico after having elected a king they elected four lords of the brothers or near relations of this king to whom they gave the titles of princes, and from whom they had to choose the king. [To the offices he gives the names of Tlacachcalcatl, Tlacatecal, [Pg 204] Ezuauacatl, and Fillancalque].... These four lords and titles after being elected princes, they made them the royal council, like the presidents and judges of the supreme council, without whose opinion nothing could be done."217 Acosta, after naming the same offices, and calling the persons who held them "electors," remarks that "all these four dignities were of the great council, without whose advice the king might not do anything of importance."218 And Herrera, after placing these offices in four grades, proceeds: "These four sorts of noblemen were of the supreme council, without whose advice the king was to do nothing of moment, and no king could be chosen but what was of one of these four orders."219 The use of the term king to describe a principal war-chief and of princes to describe Indian chiefs cannot create a state or a political society where none existed; but as misnomers they stilt up and disfigure our aboriginal history and for that reason ought to be discarded. When the Huexotzincos sent delegates to Mexico proposing an alliance against the Tlascalans, Montezuma addressed them, according to Tezozomoc, as

follows: “Brothers and sons, you are welcome, rest yourselves awhile, for although I am king indeed I alone cannot satisfy you, but only together with all the chiefs of the sacred Mexican senate.”220 The above accounts recognize the existence of a supreme council, with authority over the action of the principal war-chief, which is the material point. It tends to show that the Aztecs guarded themselves against an irresponsible despot, by subjecting his action to a council of chiefs, and by making him elective and deposable. If the limited and incomplete statements of these authors intended to restrict this council to four members, which Duran seems to imply, the limitation is improbable. As such the council would represent, not the Aztec tribe, but the small body of kinsmen from whom the military [Pg 205]commander was to be chosen. This is not the theory of a council of chiefs. Each chief represents a constituency, and the chiefs together represent the tribe. A selection from their number is sometimes made to form a general council; but it is through an organic provision which fixes the number, and provides for their perpetual maintenance. The Tezcucan council is said to have consisted of fourteen members,221 while the council at Tlascala was a numerous body. Such a council among the Aztecs is required by the structure and principles of Indian society, and therefore would be expected to exist. In this council may be recognized the lost element in Aztec history. A knowledge of its functions is essential to a comprehension of Aztec society.

In the current histories this council is treated as an advisory board of Montezuma’s, as a council of ministers of his own creation; thus Clavigero: “In the history of the conquest we shall find Montezuma in frequent deliberation with his council on the pretensions of the Spaniards. We do not know the number of each council, nor do historians furnish us with the lights necessary to illustrate such a subject.”222 It was one of the first questions requiring investigation, and the fact that the early writers failed to ascertain its composition and functions is proof conclusive of the superficial character of their work. We know, however, that the council of chiefs is an institution which came in with the gentes, which represents electing constituencies, and which from time immemorial had a vocation as well as original governing powers. We find a Tezcucan and Tlacopan council, a Tlascalan, a Cholulan and a Michoacan council, each composed of chiefs. The evidence establishes the existence of an Aztec council of

chiefs; but so far as it is limited to four members, all of the same lineage, it is presented in an improbable form. Every tribe in Mexico and Central America, beyond a reasonable doubt, had its council of chiefs. It was the governing body of the tribe, and a constant phenomenon in all parts of aboriginal America. The council of chiefs is the oldest institution of government of mankind. It can show an unbroken succession on the several continents from the
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Upper Status of savagery through the three sub-periods of barbarism to the commencement of civilization, when, having been changed into a preconsidering council with the rise of the assembly of the people, it gave birth to the modern legislature in two bodies.
It does not appear that there was a general council of the Aztec confederacy, composed of the principal chiefs of the three tribes, as distinguished from the separate councils of each. A complete elucidation of this subject is required before it can be known whether the Aztec organization was simply a league, offensive and defensive, and as such under the primary control of the Aztec tribe, or a confederacy in which the parts were integrated in a symmetrical whole. This problem must await future solution.
III. *The Tenure and Functions of the Office of Principal War-chief.*
The name of the office held by Montezuma, according to the best accessible information, was simply *Teuctli*, which signifies a *war-chief*. As a member of the council of chiefs he was sometimes called *Tlatoani*, which signifies *speaker*. This office of a general military commander was the highest known to the Aztecs. It was the same office and held by the same tenure as that of principal war-chief in the Iroquois confederacy. It made the person, *ex officio*, a member of the council of chiefs, as may be inferred from the fact that in some of the tribes the principal war-chief had precedence in the council both in debate and in pronouncing his opinion.223 None of the Spanish writers apply this title to Montezuma or his successors. It was superseded by the inappropriate title of king. *Ixtlilxochitl*, who was of mixed Tezcucan and Spanish descent, describes the head war-chiefs of Mexico, Tezcuco and Tlacopan, by the simple title of war-chief, with another to indicate the tribe. After speaking of the division of powers between the three chiefs when the con[Pg 207]federacy was formed, and of the assembling of the chiefs of the three tribes on that occasion, he

proceeds: “The king of Tezcuco was saluted by the title of *Aculhua Teuctli*, also by that of *Chichimecatl Teuctli* which his ancestors had worn, and which was the mark of the empire; *Itzcoatzin*, his uncle, received the title of *Culhua Teuctli*, because he reigned over the Toltecs-Culhuas; and *Totoquihuatzin* that of *Tecpanuatl Teuctli*, which had been the title of *Azcaputzalco*. Since that time their successors have received the same title.”224 *Izcoatzin (Itzcoatl)*, here mentioned, was war-chief of the Aztecs when the confederacy was formed. As the title was that of war-chief, then held by many other persons, the compliment consisted in connecting with it a tribal designation. In Indian speech the office held by Montezuma was equivalent to head war-chief, and in English to general.

Clavigero recognizes this office in several Nahuatlac tribes, but never applies it to the Aztec war-chief. “The highest rank of nobility in Tlascala, in Huexotzinco and in Cholula was that of *Teuctli*. To obtain this rank it was necessary to be of noble birth, to have given proofs in several battles of the utmost courage, to have arrived at a certain age, and to command great riches for the enormous expenses which were necessary to be supported by the possessor of such a dignity.”225 After Montezuma had been magnified into an absolute potentate, with civil as well as military functions, the nature and powers of the office he held were left in the background—in fact uninvestigated. As their general military commander he possessed the means of winning the popular favor, and of commanding the popular respect. It was a dangerous but necessary office to the tribe and to the confederacy. Throughout human experience, from the Lower Status of barbarism to the present time, it has ever been a dangerous office. Constitutions and laws furnish the present security of civilized nations, so far as they have any. A body of usages and customs grew up, in all probability, among the advanced Indian tribes and among the tribes of the valley of Mexico, regulating the pow[Pg 208]ers and prescribing the duties of this office. There are general reasons warranting the supposition that the Aztec council of chiefs was supreme, not only in civil affairs, but over military affairs, the person and direction of the war-chief included. The Aztec polity under increased numbers and material advancement, had undoubtedly grown complex, and for that reason a knowledge of it would have been the more instructive. Could the exact particulars of their

governmental organization be ascertained they would be sufficiently remarkable without embellishment.

The Spanish writers concur generally in the statement that the office held by Montezuma was elective, with the choice confined to a particular family. The office was found to pass from brother to brother, or from uncle to nephew. They were unable, however, to explain why it did not in some cases pass from father to son. Since the mode of succession was unusual to the Spaniards there was less possibility of a mistake with regard to the principal fact. Moreover, two successions occurred under the immediate notice of the conquerors. Montezuma was succeeded by Cuitlahua. In this case the office passed from brother to brother, although we cannot know whether they were own or collateral brothers without a knowledge of their system of consanguinity. Upon the death of the latter Guatemozin was elected to succeed him. Here the office passed from uncle to nephew, but we do not know whether he was an own or a collateral nephew. (See Part Third, ch. iii.) In previous cases the office had passed from brother to brother and also from uncle to nephew.226 An elective office implies a constituency; but who were the constituents in this case? To meet this question the four chiefs mentioned by Duran (*supra*] are introduced as electors, to whom one elector from Tezcuco and one from Tlacopan are added, making six, who are then invested with power to choose from a particular family the principal war-chief. This is not the theory of an elective Indian office, and it may be dismissed as improbable. Sahagun indicates a much larger constituency. "When the king or lord died," he remarks, "all the senators called *Tecutlatoques*, [Pg 209] and the old men of the tribe called *Achcacauhiti*, and also the captains and old warriors called *Yautequioaques*, and other prominent captains in warlike matters, and also the priests called *Tlenamacaques*, or *Papasaques*—all these assembled in the royal houses. Then they deliberated upon and determined who had to be lord, and chose one of the most noble of the lineage of the past lords, who should be a valiant man, experienced in warlike matters, daring and brave.... When they agreed upon one they at once named him as lord, but this election was not made by ballot or votes, but all together conferring at last agreed upon the man. The lord once elected they also elected four others which were like senators, and had to be always with the lord, and be informed of all the business of the kingdom."227 This scheme of election

by a large assembly, while it shows the popular element in the government which undoubtedly existed, is without the method of Indian institutions. Before the tenure of this office and the mode of election can be made intelligible, it is necessary to find whether or not they were organized in gentes, whether descent was in the female line or the male, and to know something of their system of consanguinity. If they had the system found in many other tribes of the Ganowánian family, which is probable, a man would call his brother's son his son, and his sister's son his nephew; he would call his father's brother his father, and his mother's brother his uncle; the children of his father's brother his brothers and sisters, and the children of his mother's brother his cousins, and so on. If organized into gentes with descent in the female line, a man would have brothers, uncles and nephews, collateral grandfathers and grandsons within his own gens; but neither own father, own son, or lineal grandson. His own sons and his brother's sons would belong to other gentes. It cannot as yet be affirmed that the Aztecs were organized in gentes; but the succession to the office of principal war-chief is of itself strong proof of the fact, because it would explain this succession completely. Then with descent in the female line the office would be hereditary in a particular gens, but elective among its members. In that case the office [Pg 210]would pass, by election within the gens, from brother to brother, or from uncle to nephew, precisely as it did among the Aztecs, and never from father to son. Among the Iroquois at that same time the offices of sachem and of principal war-chief were passing from brother to brother or from uncle to nephew, as the choice might happen to fall, and never to the son. It was the gens, with descent in the female line, which gave this mode of succession, and which could have been secured in no other conceivable way. It is difficult to resist the conclusion, from these facts alone, that the Aztecs were organized in gentes, and that in respect to this office at least descent was still in the female line.

It may therefore be suggested, as a probable explanation, that the office held by Montezuma was hereditary in a gens (the eagle was the blazon or totem on the house occupied by Montezuma), by the members of which the choice was made from among their number; that their nomination was then submitted separately to the four lineages or divisions of the Aztecs (conjectured to be phratries), for acceptance or rejection; and also to the Tezcucans and Tlacopans, who were directly interested in the selection of

the general commander. When they had severally considered and confirmed the nomination each division appointed a person to signify their concurrence; whence the six miscalled electors. It is not unlikely that the four high chiefs of the Aztecs, mentioned as electors by a number of authors, were in fact the war-chiefs of the four divisions of the Aztecs, like the four war-chiefs of the four lineages of the Tlascalans. The function of these persons was not to elect, but to ascertain by a conference with each other whether the choice made by the gens had been concurred in, and if so to announce the result. The foregoing is submitted as a conjectural explanation, upon the fragments of evidence remaining, of the mode of succession to the Aztec office of principal war-chief. It is seen to harmonize with Indian usages, and with the theory of the office of an elective Indian chief.

The right to depose from office follows as a necessary consequence of the right to elect, where the term was for life. It is thus turned into an office during good behavior. In these two[Pg 211] principles of electing and deposing, universally established in the social system of the American aborigines, sufficient evidence is furnished that the sovereign power remained practically in the hands of the people. This power to depose, though seldom exercised, was vital in the gentile organization. Montezuma was no exception to the rule. It required time to reach this result from the peculiar circumstances of the case, for a good reason was necessary. When Montezuma allowed himself, through intimidation, to be conducted from his place of residence to the quarters of Cortes where he was placed under confinement, the Aztecs were paralyzed for a time for the want of a military commander. The Spaniards had possession both of the man and of his office.228 They waited some weeks, hoping the Spaniards would retire; but when they found the latter intended to remain they met the necessity, as there are sufficient reasons for believing, by deposing Montezuma for want of resolution, and elected his brother to fill his place. Immediately thereafter they assaulted the Spanish quarters with great fury, and finally succeeded in driving them from their pueblo. This conclusion respecting the deposition of Montezuma is fully warranted by Herrera's statement of the facts. After the assault commenced, Cortes, observing the Aztecs obeying a new commander, at once suspected the truth of the matter, and "sent Marina to ask Montezuma whether he thought they had put the government into his

hands,"229 *i. e.*, the hands of the new commander. Montezuma is said to have replied "that they would not presume to choose a king in Mexico whilst he was living."230 He then went upon the roof of the house and addressed his countrymen, saying among other things, "that he [Pg 212]had been informed they had chosen another king because he was confined and loved the Spaniards;" to which he received the following ungracious reply from an Aztec warrior: "Hold your peace, you effeminate scoundrel, born to weave and spin; these dogs keep you a prisoner, you are a coward."231 Then they discharged arrows upon him and stoned him, from the effects of which and from deep humiliation he shortly afterwards died. The war-chief in the command of the Aztecs in this assault was Cuitlahua, the brother of Montezuma and his successor.232

Respecting the functions of this office very little satisfactory information can be derived from the Spanish writers. There is no reason for supposing that Montezuma possessed any power over the civil affairs of the Aztecs. Moreover, every presumption is against it. In military affairs when in the field he had the powers of a general; but military movements were probably decided upon by the council. It is an interesting fact to be noticed that the functions of a priest were attached to the office of principal war-chief, and, as it is claimed, those of a judge.233 The early appearance of these functions in the natural growth of the military office will be referred to again in connection with that of basileus. Although the government was of two powers it is probable that the council was supreme, in case of a conflict of authority, over civil and military affairs. It should be remembered that the council of chiefs was the oldest in time, and possessed a solid basis of power in the needs of society and in the representative character of the office of chief.

The tenure of the office of principal war-chief and the presence of a council with power to depose from office, tend to show that the institutions of the Aztecs were essentially democratical. The elective principle with respect to war-chief, and which we must suppose existed with respect to sachem and chief, and the presence of a council of chiefs, determine the material fact. A pure democracy of the Athenian type was unknown in the Lower, in the Middle, or even in the Upper [Pg 213]Status of barbarism; but it is very important to know whether the institutions of a people are essentially democratical, or essentially monarchical, when we seek to understand them.

Institutions of the former kind are separated nearly as widely from those of the latter, as democracy is from monarchy. Without ascertaining the unit of their social system, if organized in gentes as they probably were, and without gaining a knowledge of the system that did exist, the Spanish writers boldly invented for the Aztecs an absolute monarchy with high feudal characteristics, and have succeeded in placing it in history. This misconception has stood, through American indolence, quite as long as it deserves to stand. The Aztec organization presented itself plainly to the Spaniards as a league or confederacy of tribes. Nothing but the grossest perversion of obvious facts could have enabled the Spanish writers to fabricate the Aztec monarchy out of a democratic organization.

Theoretically, the Aztecs, Tezcucans and Tlacopans should severally have had a head-sachem to represent the tribe in civil affairs when the council of chiefs was not in session, and to take the initiative in preparing its work. There are traces of such an officer among the Aztecs in the *Ziahuacatl*, who is sometimes called the second chief, as the war-chief is called the first. But the accessible information respecting this office is too limited to warrant a discussion of the subject.

It has been shown among the Iroquois that the warriors could appear before the council of chiefs and express their views upon public questions; and that the women could do the same through orators of their own selection. This popular participation in the government led in time to the popular assembly, with power to adopt or reject public measures submitted to them by the council. Among the Village Indians there is no evidence, so far as the author is aware, that there was an assembly of the people to consider public questions with power to act upon them. The four lineages probably met for special objects, but this was very different from a general assembly for public objects. From the democratic character of their institutions and their advanced condition the Aztecs were drawing near the time when the assembly of the people might be expected to appear.

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The growth of the idea of government among the American aborigines, as elsewhere remarked, commenced with the gens and ended with the confederacy. Their organizations were social and not political. Until the idea of property had advanced very far beyond the point they had attained, the substitution of political for gentile society was impossible. There is not a fact to show that any portion of the aborigines, at least in North America,

had reached any conception of the second great plan of government founded upon territory and upon property. The spirit of the government and the condition of the people harmonize with the institutions under which they live. When the military spirit predominates, as it did among the Aztecs, a military democracy rises naturally under gentile institutions. Such a government neither supplants the free spirit of the gentes, nor weakens the principles of democracy, but accords with them harmoniously.

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CHAPTER VIII. - THE GRECIAN GENS.

Early condition of Grecian Tribes.—Organized into Gentes.—Changes in the Character of the Gens.—Necessity for a Political System.—Problem to be Solved.—The Formation of a State.—Grote's Description of the Grecian Gentes.—Of Their Phratries and Tribes.—Attributes of the Gens.—Similar to those of the Iroquois Gentes.—The Office of Chief of the Gens.—Whether Elective or Hereditary.—The Gens the Basis of the Social System.—Antiquity of the Gentile Lineage.—Inheritance of Property.—Archaic and Final Rule.—Relationships between the Members of a Gens.—The Gens the Centre of Social and Religious Influence.

Civilization may be said to have commenced among the Asiatic Greeks with the composition of the Homeric poems about 850 B. C.; and among the European Greeks about a century later with the composition of the Hesiodic poems. Anterior to these epochs, there was a period of several thousand years during which the Hellenic tribes were advancing through the Later Period of barbarism, and preparing for their entrance upon a civilized career. Their most ancient traditions find them already established in the Grecian peninsula, upon the eastern border of the Mediterranean, and upon the intermediate and adjacent islands. An older branch of the same stock, of which the Pelasgians were the chief representatives, had preceded them in the occupation of the greater part of these areas, and were in time either Hellenized by them, or forced into emigration. The anterior condition of the Hellenic tribes and of their predecessors, must be deduced from the arts and[Pg 216] inventions which they brought down from the previous period, from the state of development of their language, from their traditions and from their social institutions, which severally survived into the period of civilization. Our discussion will be restricted, in the main, to the last class of facts.

Pelasgians and Hellenes alike were organized in gentes, phratries[234] and tribes; and the latter united by coalescence into nations. In some cases the organic series was not complete. Whether in tribes or nations their government rested upon the gens as the unit of organization, and resulted in a gentile society or a people, as distinguished from a political society or a state. The instrument of government was a council of chiefs, with the co-operation of an agora or assembly of the people, and of a basileus or military commander. The people were free, and their institutions democratical. Under the influence of advancing ideas and wants the gens

had passed out of its archaic into its ultimate form. Modifications had been forced upon it by the irresistible demands of an improving society; but, notwithstanding the concessions made, the failure of the gentes to meet these wants was constantly becoming more apparent. The changes were limited, in the main, to three particulars: firstly, descent was changed to the male line; secondly, intermarriage in the gens was permitted in the case of female orphans and heiresses; and thirdly, children had gained an exclusive inheritance of their father's property. An attempt will elsewhere be made to trace these changes, briefly, and the causes by which they were produced. The Hellenes in general were in fragmentary tribes, presenting the same characteristics in their form of government as the barbarous tribes in general, when organized in gentes and in the same stage of advancement. Their condition was precisely such as might have been predicted would exist under gentile institutions, and therefore presents nothing remarkable. When Grecian society came for the first time under historical observation, about the first Olympiad (776 B. C.) and down to the legislation of Cleisthenes (509 B. C.), it was [Pg 217]engaged upon the solution of a great problem. It was no less than a fundamental change in the plan of government, involving a great modification of institutions. The people were seeking to transfer themselves out of gentile society, in which they had lived from time immemorial, into political society based upon territory and upon property, which had become essential to a career of civilization. In fine, they were striving to establish a state, the first in the experience of the Aryan family, and to place it upon a territorial foundation, such as the state has occupied from that time to the present. Ancient society rested upon an organization of persons, and was governed through the relations of persons to a gens and tribe; but the Grecian tribes were outgrowing this old plan of government, and began to feel the necessity of a political system. To accomplish this result it was only necessary to invent a deme or township, circumscribed with boundaries, to christen it with a name, and organize the people therein as a body politic. The township, with the fixed property it contained, and with the people who inhabited it for the time being, was to become the unit of organization in the new plan of government. Thereafter the gentilis, changed into a citizen, would be dealt with by the state through his territorial relations, and not through his personal relations to a gens. He would be enrolled in the deme of his residence, which enrollment was the

evidence of his citizenship; would vote and be taxed in his deme; and from it be called into the military service. Although apparently a simple idea, it required centuries of time and a complete revolution of pre-existing conceptions of government to accomplish the result. The gens, which had so long been the unit of a social system, had proved inadequate, as before suggested, to meet the requirements of an advancing society. But to set this organization aside, together with the phratry and tribe, and substitute a number of fixed areas, each with its community of citizens, was, in the nature of the case, a measure of extreme difficulty. The relations of the individual to his gens, which were personal, had to be transferred to the township and become territorial; the demarch of the township taking, in some sense, the place of the chief of the gens. A township with its fixed property would[Pg 218] be permanent, and the people therein sufficiently so; while the gens was a fluctuating aggregate of persons, more or less scattered, and now growing incapable of permanent establishment in a local circumscription. Anterior to experience, a township, as the unit of a political system, was abstruse enough to tax the Greeks and Romans to the depths of their capacities before the conception was formed and set in practical operation. Property was the new element that had been gradually remoulding Grecian institutions to prepare the way for political society, of which it was to be the mainspring as well as the foundation. It was no easy task to accomplish such a fundamental change, however simple and obvious it may now seem; because all the previous experience of the Grecian tribes had been identified with the gentes whose powers were to be surrendered to the new political bodies.

Several centuries elapsed, after the first attempts were made to found the new political system, before the problem was solved. After experience had demonstrated that the gentes were incapable of forming the basis of a state, several distinct schemes of legislation were tried in the various Grecian communities, who copied more or less each other's experiments, all tending to the same result. Among the Athenians, from whose experience the chief illustrations will be drawn, may be mentioned the legislation of Theseus, on the authority of tradition; that of Draco (624 B. C.); that of Solon (594 B. C.); and that of Cleisthenes (509 B. C.), the last three of which were within the historical period. The development of municipal life and institutions, the aggregation of wealth in walled cities, and the great changes in the

mode of life thereby produced, prepared the way for the overthrow of gentile society, and for the establishment of political society in its place. Before attempting to trace the transition from gentile into political society, with which the closing history of the gentes is identified, the Grecian gens and its attributes will be first considered.

Athenian institutions are typical of Grecian institutions in general, in whatever relates to the constitution of the gens and tribe, down to the end of ancient society among them. At[Pg 219] the commencement of the historical period, the Ionians of Attica were subdivided, as is well known, into four tribes (Geleontes, Hopletes, Aegicores, and Argades), speaking the same dialect, and occupying a common territory. They had coalesced into a nation as distinguished from a confederacy of tribes; but such a confederacy had probably existed in anterior times.235 Each Attic tribe was composed of three phratries, and each phratry of thirty gentes, making an aggregate of twelve phratries, and of three hundred and sixty gentes in the four tribes. Such is the general form of the statement, the fact being constant with respect to the number of tribes, and the number of phratries in each, but liable to variation in the number of gentes in each phratry. In like manner the Dorians were generally found in three tribes (Hylleis, Pamphyli, and Dymanes), although forming a number of nationalities; as at Sparta, Argos, Sicyon, Corinth, Epidaurus and Troezen; and beyond the Peloponnesus at Megara, and elsewhere. One or more non-Dorian tribes were found in some cases united with them, as at Corinth, Sicyon and Argos.

In all cases the Grecian tribe presupposes the gentes, the bond of kin and of dialect forming the basis upon which they united in a tribe; but the tribe did not presuppose the phratry, which, as an intermediate organization, although very common among all these tribes, was liable to be intermitted. At Sparta, there were subdivisions of the tribes called obês (ὠβαί), each tribe containing ten, which were analogous to phratries; but concerning the functions of these organizations some uncertainty prevails.236

The Athenian gentes will now be considered as they appeared in their ultimate form and in full vitality; but with the [Pg 220]elements of an incipient civilization arrayed against them, before which they were yielding step by step, and by which they were to be overthrown with the social system they created. In some respects it is the most interesting portion of the history of this remarkable organization, which had brought human

society out of savagery, and carried it through barbarism into the early stages of civilization.

The social system of the Athenians exhibits the following series: first, the gens (γένος) founded upon kin; second, the phratry (φράτρα and φρατρία), a brotherhood of gentes derived by segmentation, probably, from an original gens; third, the tribe (φῦλον, later φυλὴ), composed of several phratries, the members of which spoke the same dialect; and fourth, a people or nation, composed of several tribes united by coalescence into one gentile society, and occupying the same territory. These integral and ascending organizations exhausted their social system under the gentes, excepting the confederacy of tribes occupying independent territories, which, although it occurred in some instances in the early period and sprang naturally out of gentile institutions, led to no important results. It is likely that the four Athenian tribes confederated before they coalesced, the last occurring after they had collected in one territory under pressure from other tribes. If true of them, it would be equally true of the Dorian and other tribes. When such tribes coalesced into a nation, there was no term in the language to express the result, beyond a national name. The Romans, under very similar institutions, styled themselves the *Populus Romanus*, which expressed the fact exactly. They were then simply a people, and nothing more; which was all that could result from an aggregation of gentes, *curiæ* and tribes. The four Athenian tribes formed a society or people, which became completely autonomous in the legendary period under the name of the Athenians. Throughout the early Grecian communities, the gens phratry and tribe were constant phenomena of their social systems, with the occasional absence of the phratry.

Mr. Grote has collected the principal facts with respect to the Grecian gentes with such critical ability that they cannot[Pg 221] be presented in a more authoritative manner than in his own language, which will be quoted where he treats the subject generally. After commenting upon the tribal divisions of the Greeks, he proceeds as follows: “But the Phratries and Gentes are a distribution completely different from this. They seem aggregations of small primitive unities into larger; they are independent of, and do not presuppose, the tribe; they arise separately and spontaneously, without preconcerted uniformity, and without reference to a common political purpose; the legislator finds them pre-existing, and adapts or

modifies them to answer some national scheme. We must distinguish the general fact of the classification, and the successive subordination in the scale, of the families to the gens, of the gentes to the phratry, and of the phratries to the tribe—from the precise numerical symmetry with which this subordination is invested, as we read it,—thirty families to a gens, thirty gentes to a phratry, three phratries to each tribe. If such nice equality of numbers could ever have been procured, by legislative constraint, operating upon pre-existent natural elements, the proportions could not have been permanently maintained. But we may reasonably doubt whether it did ever so exist.... That every phratry contained an equal number of gentes, and every gens an equal number of families, is a supposition hardly admissible without better evidence than we possess. But apart from this questionable precision of numerical scale, the Phratries and Gentes themselves were real, ancient, and durable associations among the Athenian people, highly important to be understood. The basis of the whole was the house, hearth, or family,—a number of which, greater or less, composed the Gens or Genos. This gens was therefore a clan, sept, or enlarged, and partly factitious, brotherhood, bound together by,—1. Common religious ceremonies, and exclusive privilege of priesthood, in honor of the same god, supposed to be the primitive ancestor, and characterized by a special surname. 2. By a common burial place.[237] 3. By mutual rights of succession to property. 4. By [Pg 222]reciprocal obligations of help, defense, and redress of injuries. 5. By mutual right and obligation to intermarry in certain determinate cases, especially where there was an orphan daughter or heiress. 6. By possession, in some cases, at least, of common property, an archon and treasurer of their own. Such were the rights and obligations characterizing the gentile union. The phratric union, binding together several gentes, was less intimate, but still included some mutual rights and obligations of an analogous character; especially a communion of particular sacred rites, and mutual privileges of prosecution in the event of a phrator being slain. Each phratry was considered as belonging to one of the four tribes, and all the phratries of the same tribe enjoyed a certain periodical communion of sacred rites under the presidency of a magistrate called the Phylo-Basileus or tribe-king selected from the Eupatrids."[238]

The similarities between the Grecian and the Iroquois gens will at once be recognized. Differences in characteristics will also be perceived, growing out of the more advanced condition of Grecian society, and a fuller development of their religious system. It will not be necessary to verify the existence of the several attributes of the gens named by Mr. Grote, as the proof is plain in the classical authorities. There were other characteristics which doubtless pertained to the Grecian gens, although it may be difficult to establish the existence of all of them; such as: 7. The limitation of descent to the male line; 8. The prohibition of intermarriage in the gens excepting in the case of heiresses; 9. The right of adopting strangers into the gens; and 10. The right of electing and deposing its chiefs.

The rights, privileges and obligations of the members of the Grecian gens may be recapitulated, with the additions named, as follows:

I. *Common religious rites.*
II. *A common burial place.*
III. *Mutual rights of succession to property of deceased members.*
IV. *Reciprocal obligations of help, defense and redress of injuries.*
V. [Pg 223]*The right to intermarry in the gens in the cases of orphan daughters and heiresses.*
VI. *The possession of common property, an archon, and a treasurer.*
VII. *The limitation of descent to the male line.*
VIII. *The obligation not to marry in the gens except in specified cases.*
IX. *The right to adopt strangers into the gens.*
X. *The right to elect and depose its chiefs.*

A brief reference to the added characteristics should be made.

7. *The limitation of descent to the male line.* There is no doubt that such was the rule, because it is proved by their genealogies. I have not been able to find in any Greek author a definition of a gens or of a gentilis that would furnish a sufficient test of the right of a given person to the gentile connection. Cicero, Varro and Festus have defined the Roman gens and gentilis, which were strictly analogous to the Grecian, with sufficient fullness to show that descent was in the male line. From the nature of the gens, descent was either in the female line or the male, and included but a moiety of the descendants of the founder. It is precisely like the family among ourselves. Those who are descended from the males bear the family name, and they constitute a gens in the full sense of the term, but in a state of dispersion, and without any bond of union excepting those nearest in

degree. The females lose, with their marriage, the family name, and with their children are transferred to another family. Grote remarks that Aristotle was the "son of the physician Nikomachus who belonged to the gens of the Asklepiads."239 Whether Aristotle was of the gens of his father depends upon the further question whether they both derived their descent from Aesculapius, through males exclusively. This is shown by Laertius, who states that "Aristotle was the son of Nikomachus ... and Nikomachus was descended from Nikomachus the son of Machaon, the son of Aesculapius."240 Although the higher members of the series may be [Pg 224]fabulous, the manner of tracing the descent would show the gens of the person. The statement of Hermann, on the authority of Isaeus, is also to the point. "Every infant was registered in the phratria and clan (γένος) of its father."241 Registration in the gens of the father implies that his children were of his gens.

8. *The obligation not to marry in the gens excepting in specified cases.* This obligation may be deduced from the consequences of marriage. The wife by her marriage lost the religious rites of her gens, and acquired those of her husband's gens. The rule is stated as so general as to imply that marriage was usually out of the gens. "The virgin who quits her father's house," Wachsmuth remarks, "is no longer a sharer of the paternal sacrificial hearth, but enters the religious communion of her husband, and this gave sanctity to the marriage tie."242 The fact of her registration is stated by Hermann as follows: "Every newly married woman, herself a citizen, was on this account enrolled in the phratry of her husband."243 Special religious rites (*sacra gentilicia*) were common in the Grecian and Latin gens. Whether the wife forfeited her agnatic rights by her marriage, as among the Romans, I am unable to state. It is not probable that marriage severed all connection with her gens, and the wife doubtless still counted herself of the gens of her father.

The prohibition of intermarriage in the gens was fundamental in the archaic period; and it undoubtedly remained after descent was changed to the male line, with the exception of heiresses and female orphans for whose case special provision was made. Although a tendency to free marriage, beyond certain degrees of consanguinity, would follow the complete establishment of the monogamian family, the rule requiring persons to marry out of their own gens would be apt to remain so long as the gens was the basis of the

social system. The special provision in respect to heiresses tends to confirm this supposition. Becker remarks upon this question, that "rela[Pg 225]tionship was, with trifling limitations, no hinderance to marriage, which could take place within all degrees of [ἀγχιστεία Greek: agchisteia], or συγγένεια, though naturally not in the [γένος Greek: genos] itself."244

9. *The right to adopt strangers into the gens.* This right was practiced at a later day, at least in families; but it was done with public formalities, and was doubtless limited to special cases.245 Purity of lineage became a matter of high concern in the Attic gentes, interposing no doubt serious obstacles to the use of the right except for weighty reasons.

10. *The right to elect and depose its chiefs.* This right undoubtedly existed in the Grecian gentes in the early period. Presumptively it was possessed by them while in the Upper Status of barbarism. Each gens had its archon (ἀρχὸς), which was the common name for a chief. Whether the office was elective, for example, in the Homeric period, or was transmitted by hereditary right to the eldest son, is a question. The latter was not the ancient theory of the office; and a change so great and radical, affecting the independence and personal rights of all the members of the gens, requires positive proof to override the presumption against it. Hereditary right to an office, carrying with it authority over, and obligations from, the members of a gens is a very different thing from an office bestowed by a free election, with the reserved power to depose for unworthy behavior. The free spirit of the Athenian gentes down to the time of Solon and Cleisthenes forbids the supposition, as to them, that they had parted with a right so vital to the independence of the members of the gens. I have not been able to find any satisfactory explanation of the tenure of this office. Hereditary succession, if it existed, would indicate a remarkable development of the aristocratical element in ancient society, in derogation of the democratical constitution of the gentes. Moreover, it would be a sign of the commencement, at least, of their decadence. All the members of a gens were free and equal, the rich and the poor enjoying equal [Pg 226]rights and privileges, and acknowledging the same in each other. We find liberty, equality and fraternity, written as plainly in the constitution of the Athenian gentes as in those of the Iroquois. Hereditary right to the principal office of the gens is totally inconsistent with the older doctrine of equal rights and privileges.

Whether the higher offices of anax, koiranos, and basileus were transmitted by hereditary right from father to son, or were elective or confirmative by a larger constituency, is also a question. It will be considered elsewhere. The former would indicate the subversion, as the latter the conservation, of gentile institutions. Without decisive evidence to the contrary every presumption is adverse to hereditary right. Some additional light will be gained on this subject when the Roman gentes are considered. A careful re-investigation of the tenure of this office would, not unlikely, modify essentially the received accounts.

It may be considered substantially assured that the Grecian gentes possessed the ten principal attributes named. All save three, namely, descent in the male line, marrying into the gens in the case of heiresses, and the possible transmission of the highest military office by hereditary right, are found with slight variations in the gentes of the Iroquois. It is thus rendered apparent that in the gentes, both the Grecian and the Iroquois tribes possessed the same original institution, the one having the gens in its later, and the other in its archaic form.

Recurring now to the quotation from Mr. Grote, it may be remarked that had he been familiar with the archaic form of the gens, and with the several forms of the family anterior to the monogamian, he would probably have modified essentially some portion of his statement. An exception must be taken to his position that the basis of the social system of the Greeks "was the house, hearth, or family." The form of the family in the mind of the distinguished historian was evidently the Roman, under the iron-clad rule of a *pater familias*, to which the Grecian family of the Homeric period approximated in the complete domination of the father over the household. It would have been equally untenable had other and anterior[Pg 227] forms of the family been intended. The gens, in its origin, is older than the monogamian family, older than the syndyasmian, and substantially contemporaneous with the punaluan. In no sense was it founded upon either. It does not recognize the existence of the family of any form as a constituent of itself. On the contrary, every family in the archaic as well as in the later period, was partly within and partly without the gens, because husband and wife must belong to different gentes. The explanation is both simple and complete; namely, that the family springs up independently of the gens with entire freedom to advance from a lower into a higher form, while the gens is constant, as well as the unit of the social system. The gens

entered entire into the phratry, the phratry entered entire into the tribe, and the tribe entered entire into the nation; but the family could not enter entire into the gens because husband and wife must belong to different gentes.
The question here raised is important, since not only Mr. Grote, but also Niebuhr, Thirlwall, Maine, Mommsen, and many other able and acute investigators have taken the same position with respect to the monogamian family of the patriarchal type as the integer around which society integrated in the Grecian and Roman systems. Nothing whatever was based upon the family in any of its forms, because it was incapable of entering a gens as a whole. The gens was homogeneous and to a great extent permanent in duration, and as such, the natural basis of a social system. A family of the monogamian type might have become individualized and powerful in a gens, and in society at large; but the gens nevertheless did not and could not recognize or depend upon the family as an integer of itself. The same remarks are equally true with respect to the modern family and political society. Although individualized by property rights and privileges, and recognized as a legal entity by statutory enactment, the family is not the unit of the political system. The state recognizes the counties of which it is composed, the county its townships, but the township takes no note of the family; so the nation recognized its tribes, the tribes its phratries, and the phratries its gentes; but the gens took no note of the family. In dealing[Pg 228] with the structure of society, organic relations alone are to be considered. The township stands in the same relation to political society that the gens did to gentile society. Each is the unit of a system.
There are a number of valuable observations by Mr. Grote, upon the Grecian gentes, which I desire to incorporate as an exposition of them; although these observations seem to imply that they are no older than the then existing mythology, or hierarchy of the gods from the members of which some of the gentes claimed to have derived their eponymous ancestor. In the light of the facts presented, the gentes are seen to have existed long before this mythology was developed—before Jupiter or Neptune, Mars or Venus were conceived in the human mind.
Mr. Grote proceeds: “Thus stood the primitive religious and social union of the population of Attica in its gradually ascending scale—as distinguished from the political union, probably of later introduction, represented at first by the trittyes and naukraries, and in after times by the ten Kleisthenean tribes, subdivided into trittyes and demes. The religious and family bond of

aggregation is the earlier of the two; but the political bond, though beginning later, will be found to acquire constantly increasing influence throughout the greater part of this history. In the former, personal relation is the essential and predominant characteristic—local relation being subordinate: in the latter, property and residence become the chief considerations, and the personal element counts only as measured along with these accompaniments. All these phratric and gentile associations, the larger as well as the smaller, were founded upon the same principles and tendencies of the Grecian mind—a coalescence of the idea of worship with that of ancestry, or of communion in certain special religious rites with communion of blood, real or supposed. The god or hero, to whom the assembled members offered their sacrifices, was conceived as the primitive ancestor to whom they owed their origin; often through a long list of intermediate names, as in the case of the Milesian Hekatæus, so often before referred to. Each family had its own sacred rites and funeral[Pg 229] commemorations of ancestors, celebrated by the master of the house, to which none but members of the family were admissible.... The larger associations, called gens, phratry, tribe, were formed by an extension of the same principle—of the family considered as a religious brotherhood, worshiping some common god or hero with an appropriate surname, and recognizing him as their joint ancestor; and the festival of Theoenia, and Apaturia (the first Attic, the second common to all the Ionian race) annually brought together the members of these phratries and gentes for worship, festivity, and maintenance of special sympathies; thus strengthening the larger ties without effacing the smaller.... But the historian must accept as an ultimate fact the earliest state of things which his witnesses make known to him, and in the case now before us, the gentile and phratric unions are matters into the beginning of which we cannot pretend to penetrate."246
"The gentes both at Athens, and in other parts of Greece, bore a patronymic name, the stamp of their believed common paternity.247 ... But at Athens, at least after the revolution of Kleisthenês, the gentile name was not employed: a man was described by his own single name, followed first by the name of his father, and next by that of the deme to which he belonged, —as *Aeschinês son of Atromêtus, a Kothôkid*.... The gens constituted a close incorporation, both as to property and as to persons. Until the time of Solon, no man had any power of testamentary disposition. If he died

without children, his gennêtes succeeded to his property, and so they continued to do even after Solon, if he died intestate. An orphan girl might be claimed in marriage of right by any member of the gens, the nearest agnates being preferred; if she [Pg 230]was poor, and he did not choose to marry her himself, the law of Solon compelled him to provide her with a dowry proportional to his enrolled scale of property, and to give her out in marriage to another.... If a man was murdered, first his near relations, next his gennêtes and phrators, were both allowed and required to prosecute the crime at law; while his fellow demots, or inhabitants of the same deme, did not possess the like right of prosecuting. All that we hear of the most ancient Athenian laws is based upon the gentile and phratric divisions, which are treated throughout as extensions of the family. It is to be observed that this division is completely independent of any property qualification—rich men as well as poor being comprehended in the same gens. Moreover, the different gentes were very unequal in dignity, arising chiefly from the religious ceremonies of which each possessed the hereditary and exclusive administration, and which, being in some cases considered of pre-eminent sanctity in reference to the whole city, were therefore nationalized. Thus the Eumolpidæ and Kêrykes, who supplied the hierophant and superintendent of the mysteries of the Eleusinian Dêmêtêr —and the Butadæ, who furnished the priestess of Athênê Polias, as well as the priest of Poseidôn Erechtheus in the Acropolis—seem to have been reverenced above all the other gentes."[248]

Mr. Grote speaks of the gens as an extension of the family, and as presupposing its existence; treating the family as primary and the gens as secondary. This view, for the reasons stated, is untenable. The two organizations proceed upon different principles and are independent of each other. The gens embraces a part only of the descendants of a supposed common ancestor, and excludes the remainder; it also embraces a part only of a family, and excludes the remainder. In order to be a constituent of the gens, the family should enter entire within its folds, which was impossible in the archaic period, and constructive only in the later. In the organization of gentile society the gens is primary, forming both the basis and the unit of the system. The family also is primary, and older than the gens; the punaluan and the consanguine families having pre[Pg 231]ceded it in the

order of time; but it was not a member of the organic series in ancient society any more than it is in modern.

The gens existed in the Aryan family when the Latin, Grecian and Sanskrit speaking tribes were one people, as is shown by the presence in their dialects of the same term (gens, [γένος Greek: genos], and *ganas*) to express the organization. They derived it from their barbarous ancestors, and more remotely from their savage progenitors. If the Aryan family became differentiated as early as the Middle Period of barbarism, which seems probable, the gens must have been transmitted to them in its archaic form. After that event, and during the long periods of time which elapsed between the separation of these tribes from each other and the commencement of civilization, those changes in the constitution of the gens, which have been noticed hypothetically, must have occurred. It is impossible to conceive of the gens as appearing, for the first time, in any other than its archaic form; consequently the Grecian gens must have been originally in this form. If, then, causes can be found adequate to account for so great a change of descent as that from the female line to the male, the argument will be complete, although in the end it substituted a new body of kindred in the gens in place of the old. The growth of the idea of property, and the rise of monogamy, furnished motives sufficiently powerful to demand and obtain this change in order to bring children into the gens of their father, and into a participation in the inheritance of his estate. Monogamy assured the paternity of children, which was unknown when the gens was instituted, and the exclusion of children from the inheritance was no longer possible. In the face of the new circumstances, the gens would be forced into reconstruction or dissolution. When the gens of the Iroquois, as it appeared in the Lower Status of barbarism, is placed beside the gens of the Grecian tribes as it appeared in the Upper Status, it is impossible not to perceive that they are the same organization, the one in its archaic and the other in its ultimate form. The differences between them are precisely those which would have been forced upon the gens by the exigencies of human progress.

Along with these mutations in the constitution of the gens[Pg 232] are found the parallel mutations in the rule of inheritance. Property, always hereditary in the gens, was first hereditary among the gentiles; secondly, hereditary among the agnates, to the exclusion of the remaining gentiles; and now, thirdly, hereditary among the agnates in succession, in the order of

their nearness to the decedent, which gave an exclusive inheritance to the children as the nearest agnates. The pertinacity with which the principle was maintained down to the time of Solon, that the property should remain in the gens of the deceased owner, illustrates the vitality of the organization through all these periods. It was this rule which compelled the heiress to marry in her own gens to prevent a transfer of the property by her marriage to another gens. When Solon allowed the owner of property to dispose of it by will, in case he had no children, he made the first inroad upon the property rights of the gens.

How nearly the members of a gens were related, or whether they were related at all, has been made a question. Mr. Grote remarked that "Pollux informs us distinctly that the members of the same gens at Athens were not commonly related by blood,—and even without any express testimony we might have concluded such to be the fact. To what extent the gens, at the unknown epoch of its formation was based upon actual relationship, we have no means of determining, either with regard to the Athenian or the Roman gentes, which were in the main points analogous. Gentilism is a tie by itself; distinct from the family ties, but presupposing their existence and extending them by an artificial analogy, partly founded in religious belief, and partly on positive compact, so as to comprehend strangers in blood. All the members of one gens, or even of one phratry, believed themselves to be sprung, not indeed from the same grandfather or great-grandfather, but from the same divine or heroic ancestor.... And this fundamental belief, into which the Greek mind passed with so much facility, was adopted and converted by positive compact into the gentile and phratric principle of union.... Doubtless Niebuhr, in his valuable discussion of the ancient Roman gentes, is right in supposing that they were not real families, procreated from any common his[Pg 233]torical ancestor. Still it is not the less true (although he seems to suppose otherwise) that the idea of the gens involved *the belief* in a common first father, divine or heroic—a genealogy which we may properly call fabulous, but which was consecrated and accredited among the members of the gens itself; and served as one important bond of union between them.... The natural families of course changed from generation to generation, some extending themselves, while others diminished or died out; but the gens received no alterations, except through the procreation, extinction, or subdivision of these component

families. Accordingly the relations of the families with the gens were in perpetual course of fluctuation, and the gentile ancestorial genealogy, adapted as it doubtless was to the early condition of the gens, became in process of time partially obsolete and unsuitable. We hear of this genealogy but rarely, because it is only brought before the public in certain cases pre-eminent and venerable. But the humbler gentes had their common rites, and common superhuman ancestor and genealogy, as well as the more celebrated: the scheme and ideal basis was the same in all."[249]

The several statements of Pollux, Niebuhr and Grote are true in a certain sense, but not absolutely so. The lineage of a gens ran back of the acknowledged ancestor, and therefore the gens of ancient date could not have had a known progenitor; neither could the fact of a blood connection be proved by their system of consanguinity; nevertheless the gentiles not only *believed* in their common descent, but were justified in so believing. The system of consanguinity which pertained to the gens in its archaic form, and which the Greeks probably once possessed, preserved a knowledge of the relationships of all the members of a gens to each other. This fell into desuetude with the rise of the monogamian family, as I shall endeavor elsewhere to show. The gentile name created a pedigree beside which that of a family was insignificant. It was the function of this name to preserve the fact of the common descent of those who bore it; but the lineage of the gens was so ancient that its members could not prove the actual relation[Pg 234]ship existing between them, except in a limited number of cases through recent common ancestors. The name itself was the evidence of a common descent, and conclusive, except as it was liable to interruption through the adoption of strangers in blood in the previous history of the gens. The practical denial of all relationship between its members made by Pollux and Niebuhr, which would change the gens into a purely fictitious association, has no ground to rest upon. A large proportion of the number could prove their relationship through descent from common ancestors within the gens, and as to the remainder the gentile name they bore was sufficient evidence of common descent for practical purposes. The Grecian gens was not usually a large body of persons. Thirty families to a gens, not counting the wives of the heads of families, would give, by the common rule of computation, an average of one hundred and twenty persons to the gens.

As the unit of the organic social system, the gens would naturally become the centre of social life and activity. It was organized as a social body, with its archon or chief, and treasurer; having common lands to some extent, a common burial place, and common religious rites. Beside these were the rights, privileges and obligations which the gens conferred and imposed upon all its members. It was in the gens that the religious activity of the Greeks originated, which expanded over the phratries, and culminated in periodical festivals common to all the tribes. This subject has been admirably treated by M. De Coulanges in his recent work on "The Ancient City."

In order to understand the condition of Grecian society, anterior to the formation of the state, it is necessary to know the constitution and principles of the Grecian gens; for the character of the unit determines the character of its compounds in the ascending series, and can alone furnish the means for their explanation.

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CHAPTER IX. - THE GRECIAN PHRATRY, TRIBE AND NATION.

The Athenian Phratry.—How Formed.—Definition of Dikæarchus.—Objects chiefly Religious.—The Phratriarch.—The Tribe.—Composed of Three Phratries.—The Phylo-basileus.—The Nation.—Composed of Four Tribes.—Boule, or Council of Chiefs.—Agora, or Assembly of the People.—The Basileus.—Tenure of the Office.—Military and Priestly Functions.—Civil Functions not shown.—Governments of the Heroic Age, Military Democracies.—Aristotle's Definition of a Basileus.—Later Athenian Democracy.—Inherited From the Gentes.—Its powerful Influence upon Athenian Development.

The phratry, as we have seen, was the second stage of organization in the Grecian social system. It consisted of several gentes united for objects, especially religious, which were common to them all. It had a natural foundation in the bond of kin, as the gentes in a phratry were probably subdivisions of an original gens, a knowledge of the fact having been preserved by tradition. "All the contemporary members of the phratry of Hekatæus," Mr. Grote remarks, "had a common god for their ancestor at the sixteenth degree,"[250] which could not have been asserted unless the several gentes comprised in the phratry of Hekatæus, were supposed to be derived by segmentation from an original gens. This genealogy, although in part

fabulous, would be traced according to gentile usages. Dikæarchus supposed that the practice of certain gentes in supplying each other with wives, led to the phratric organization for the performance of common religious rites.
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This is a plausible explanation, because such marriages would intermingle the blood of the gentes. On the contrary, gentes formed, in the course of time, by the division of a gens and by subsequent subdivisions, would give to all a common lineage, and form a natural basis for their re-integration in a phratry. As such the phratry would be a natural growth, and as such only can it be explained as a gentile institution. The gentes thus united were brother gentes, and the association itself was a brotherhood as the term imports.
Stephanus of Byzantium has preserved a fragment of Dikæarchus, in which an explanation of the origin of the gens, phratry and tribe is suggested. It is not full enough, with respect to either, to amount to a definition; but it is valuable as a recognition of the three stages of organization in ancient Grecian society. He uses patry (πάτρᾶ) in the place of gens (γένος), as Pindar did in a number of instances, and Homer occasionally. The passage may be rendered: "Patry is one of three forms of social union among the Greeks, according to Dikæarchus, which we call respectively, patry, phratry, and tribe. The patry comes into being when relationship, originally solitary, passes over into the second stage [the relationship of parents with children and children with parents], and derives its eponym from the oldest and chief member of the patry, as Aicidas, Pelopidas."
"But it came to be called phatria and phratria when certain ones gave their daughters to be married into another patry. For the woman who was given in marriage participated no longer in her paternal sacred rites, but was enrolled in the patry of her husband; so that for the union, formerly subsisting by affection between sisters and brothers, there was established another union based on community of religious rites, which they denominated a phratry; and so that again, while the patry took its rise in the way we have previously mentioned, from the blood relation between parents and children and children and parents, the phratry took its rise from the relationship between brothers."
"But tribe and tribesmen were so called from the coalescence[Pg 237] into communities and nations so called, for each of the coalescing bodies was

called a tribe."251

It will be noticed that marriage out of the gens is here recognized as a custom, and that the wife was enrolled in the gens, rather than the phratry, of her husband. Dikæarchus, who was a pupil of Aristotle, lived at a time when the gens existed chiefly as a pedigree of individuals, its powers having been transferred to new political bodies. He derived the origin of the gens from primitive times; but his statement that the phratry originated in the matrimonial practices of the gentes, while true doubtless as to the practice, is but an opinion as to the origin of the organization. Intermarriages, with common religious rites, would cement the phratric union; but a more satisfactory foundation of the phratry may be found in the common lineage of the gentes of which it was composed. It must be remembered that the gentes have a history running back through the three sub-periods of barbarism into the previous period of savagery, antedating the existence even of the Aryan and Semitic families. The phratry has been shown to have appeared among the American aborigines in the Lower Status of barbarism; while the Greeks were familiar with so much only of their former history as pertained to the Upper Status of barbarism.

Mr. Grote does not attempt to define the functions of the phratry, except generally. They were doubtless of a religious character chiefly; but they probably manifested themselves, as among the Iroquois, at the burial of the dead, at public games, at religious festivals, at councils, and at the agoras of the people, where the grouping of chiefs and people would be by phratries rather than by gentes. It would also naturally show itself in the array of the military forces, of which a memorable example is given by Homer in the address of Nestor to Agamemnon.252 "Separate the troops by tribes and by phratries, Agamemnon, so that phratry may support phratry, and tribes, tribes (κρῖν' ἄνδρας κατὰ φῦλα, κατὰ φρήτρας, Ἀγάμεμνον, ὡς φρήτρη φρήτρηφιν ἀρήγῃ, φῦλα δὲ φύλοις). If thou [Pg 238]wilt thus act, and the Greeks obey, thou wilt then ascertain which of the commanders and which of the soldiers is a coward, and which of them may be brave, for they will fight their best." The number from the same gens in a military force would be too small to be made a basis in the organization of an army; but the larger aggregations of the phratries and tribes would be sufficient. Two things may be inferred from the advice of Nestor: first, that the organization of armies by phratries and tribes had then ceased to be common; and

secondly, that in ancient times it had been the usual plan of army organization, a knowledge of which had not then disappeared. We have seen that the Tlascalans and Aztecs, who were in the Middle Status of barbarism, organized and sent out their military bands by phratries which, in their condition, was probably the only method in which a military force could be organized. The ancient German tribes organized their armies for battle on a similar principle.253 It is interesting to notice how closely shut in the tribes of mankind have been to the theory of their social system.

The obligation of blood revenge, which was turned at a later day into a duty of prosecuting the murderer before the legal tribunals, rested primarily upon the gens of the slain person; but it was also shared in by the phratry, and became a phratric obligation.254 In the Eumenides of Aeschylus, the Erinnys, after speaking of the slaying of his mother by Orestes, put the question: "What lustral water of his phrators shall await him?"255 which seems to imply that if the criminal escaped punishment final purification was performed by his phratry instead of his gens. Moreover, the extension of the obligation from the gens to the phratry implies a common lineage of all the gentes in a phratry.

Since the phratry was intermediate between the gens and the tribe, and not invested with governmental functions, it was less fundamental and less important than either of the others; but it was a common, natural and perhaps necessary stage [Pg 239]of re-integration between the two. Could an intimate knowledge of the social life of the Greeks in that early period be recovered, the phenomena would centre probably in the phratric organization far more conspicuously than our scanty records lead us to infer. It probably possessed more power and influence than is usually ascribed to it as an organization. Among the Athenians it survived the overthrow of the gentes as the basis of a system, and retained, under the new political system, some control over the registration of citizens, the enrollment of marriages and the prosecution of the murderer of a phrator before the courts.

It is customary to speak of the four Athenian tribes as divided each into three phratries, and of each phratry as divided into thirty gentes; but this is merely for convenience in description. A people under gentile institutions do not divide themselves into symmetrical divisions and subdivisions. The natural process of their formation was the exact reverse of this method; the

gentes fell into phratries, and ultimately into tribes, which reunited in a society or a people. Each was a natural growth. That the number of gentes in each Athenian phratry was thirty is a remarkable fact incapable of explanation by natural causes. A motive sufficiently powerful, such as a desire for a symmetrical organization of the phratries and tribes, might lead to a subdivision of gentes by consent until the number was raised to thirty in each of these phratries; and when the number in a tribe was in excess, by the consolidation of kindred gentes until the number was reduced to thirty. A more probable way would be by the admission of alien gentes into phratries needing an increase of number. Having a certain number of tribes, phratries and gentes by natural growth, the reduction of the last two to uniformity in the four tribes could thus have been secured. Once cast in this numerical scale of thirty gentes to a phratry and three phratries to a tribe, the proportion might easily have been maintained for centuries, except perhaps as to the number of gentes in each phratry.

The religious life of the Grecian tribes had its centre and source in the gentes and phratries. It must be supposed that[Pg 240] in and through these organizations, was perfected that marvelous polytheistic system, with its hierarchy of gods, its symbols and forms of worship, which impressed so powerfully the mind of the classical world. In no small degree this mythology inspired the great achievements of the legendary and historical periods, and created that enthusiasm which produced the temple and ornamental architecture in which the modern world has taken so much delight. Some of the religious rites, which originated in these social aggregates, were nationalized from the superior sanctity they were supposed to possess; thus showing to what extent the gentes and phratries were nurseries of religion. The events of this extraordinary period, the most eventful in many respects in the history of the Aryan family, are lost, in the main, to history. Legendary genealogies and narratives, myths and fragments of poetry, concluding with the Homeric and Hesiodic poems, make up its literary remains. But their institutions, arts, inventions, mythological system, in a word the substance of civilization which they wrought out and brought with them, were the legacy they contributed to the new society they were destined to found. The history of the period may yet be reconstructed from these various sources of knowledge, reproducing the

main features of gentile society as they appeared shortly before the institution of political society.

As the gens had its archon, who officiated as its priest in the religious observances of the gens, so each phratry had its phratriarch (φρατριάρχος), who presided at its meetings, and officiated in the solemnization of its religious rites. "The phratry," observes M. De Coulanges, "had its assemblies and its tribunals, and could pass decrees. In it, as well as in the family, there was a god, a priesthood, a legal tribunal and a government."256 The religious rites of the phratries were an expansion of those of the gentes of which it was composed. It is in these directions that attention should be turned in order to understand the religious life of the Greeks.

Next in the ascending scale of organization was the tribe, consisting of a number of phratries, each composed of gentes. The persons in each phratry were of the same common lineage,[Pg 241] and spoke the same dialect. Among the Athenians as before stated each tribe contained three phratries, which gave to each a similar organization. The tribe corresponds with the Latin tribe, and also with those of the American aborigines, an independent dialect for each tribe being necessary to render the analogy with the latter complete. The concentration of such Grecian tribes as had coalesced into a people, in a small area, tended to repress dialectical variation, which a subsequent written language and literature tended still further to arrest each tribe from antecedent habits, however, was more or less localized in a fixed area, through the requirements of a social system resting on personal relations. It seems probable that each tribe had its council of chiefs, supreme in all matters relating to the tribe exclusively. But since the functions and powers of the general council of chiefs, who administered the general affairs of the united tribes, were allowed to fall into obscurity, it would not be expected that those of an inferior and subordinate council would be preserved. If such a council existed, which was doubtless the fact from its necessity under their social system, it would have consisted of the chiefs of the gentes.

When the several phratries of a tribe united in the commemoration of their religious observances it was in their higher organic constitution as a tribe. As such, they were under the presidency, as we find it expressed, of a phylo-basileus, who was the principal chief of the tribe. Whether he acted

as their commander in the military service I am unable to state. He possessed priestly functions, always inherent in the office of basileus, and exercised a criminal jurisdiction in cases of murder; whether to try or to prosecute a murderer, I am unable to state. The priestly and judicial functions attached to the office of basileus tend to explain the dignity it acquired in the legendary and heroic periods. But the absence of civil functions, in the strict sense of the term, of the presence of which we have no satisfactory evidence, is sufficient to render the term king, so constantly employed in history as the equivalent of basileus, a misnomer. Among the Athenians we have the tribe-basileus, where the term is used by the Greeks themselves as legitimately as when applied to the general military commander of the four[Pg 242] united tribes. When each is described as a king it makes the solecism of four tribes each under a king separately, and the four tribes together under another king. There is a larger amount of fictitious royalty here than the occasion requires. Moreover, when we know that the institutions of the Athenians at the time were essentially democratical it becomes a caricature of Grecian society. It shows the propriety of returning to simple and original language, using the term basileus where the Greeks used it, and rejecting king as a false equivalent. Monarchy is incompatible with gentilism, for the reason that gentile institutions are essentially democratical. Every gens, phratry and tribe was a completely organized self-governing body; and where several tribes coalesced into a nation the resulting government would be constituted in harmony with the principles animating its constituent parts.

The fourth and ultimate stage of organization was the nation united in a gentile society. Where several tribes, as those of the Athenians and the Spartans, coalesced into one people, it enlarged the society, but the aggregate was simply a more complex duplicate of a tribe. The tribes took the same place in the nation which the phratries held in the tribe, and the gentes in the phratry. There was no name for the organism257 which was simply a society (*societas*), but in its place a name sprang up for the people or nation. In Homer's description of the forces gathered against Troy, specific names are given to these nations, where such existed, as Athenians, Ætolians, Locrians; but in other cases they are described by the name of the city or country from which they came. The ultimate fact is thus reached, that the Greeks, prior to the times of Lycurgus and Solon, had but the four

stages of social organization (gens, phratry, tribe and nation), which was so nearly universal in ancient society, and which has been shown to exist, in part, in the Status of savagery, and complete in the Lower, in the Middle and in the Upper Status of barbarism, and still subsisting after civilization had commenced. This organic series expresses the extent of the growth of the idea of government among man[Pg 243]kind down to the institution of political society. Such was the Grecian social system. It gave a society, made up of a series of aggregates of persons, with whom the government dealt through their personal relations to a gens, phratry or tribe. It was also a gentile society as distinguished from a political society, from which it was fundamentally different and easily distinguishable.

The Athenian nation of the heroic age presents in its government three distinct, and in some sense co-ordinate, departments or powers, namely: first, the council of chiefs (βουλή); second, the agora (ἀγορά), or assembly of the people; and third, the basileus (βασιλεύς), or general military commander. Although municipal and subordinate military offices in large numbers had been created, from the increasing necessities of their condition, the principal powers of the government were held by the three instrumentalities named. I am unable to discuss in an adequate manner the functions and powers of the council, the agora or the basileus, but will content myself with a few suggestions upon subjects grave enough to deserve reinvestigation at the hands of professed Hellenists.

I. *The Council of Chiefs.* The office of basileus in the Grecian tribes has attracted far more attention than either the council or the agora. As a consequence it has been unduly magnified while the council and the agora have either been depreciated or ignored. We know, however, that the council of chiefs was a constant phenomenon in every Grecian nation from the earliest period to which our knowledge extends down to the institution of political society. Its permanence as a feature of their social system is conclusive evidence that its functions were substantial, and that its powers, at least presumptively, were ultimate and supreme. This presumption arises from what is known of the archaic character and functions of the council of chiefs under gentile institutions, and from its vocation. How it was constituted in the heroic age, and under what tenure the office of chief was held, we are not clearly informed; but it is a reasonable inference that the council was composed of the chiefs of the gentes. Since the number who

formed the council was usually less than the number[Pg 244] of gentes, a selection must have been made in some way from the body of chiefs. In what manner the selection was made we are not informed. The vocation of the council as a legislative body representing the principal gentes, and its natural growth under the gentile organization, rendered it supreme in the first instance, and makes it probable that it remained so to the end of its existence. The increasing importance of the office of basileus, and the new offices created in their military and municipal affairs with their increase in numbers and in wealth, would change somewhat the relations of the council to public affairs, and perhaps diminish its importance; but it could not be overthrown without a radical change of institutions. It seems probable, therefore, that every office of the government, from the highest to the lowest, remained accountable to the council for their official acts. The council was fundamental in their social system;258 and the Greeks of the period were free self-governing peoples, under institutions essentially democratical. A single illustration of the existence of the council may be given from Aeschylus, simply to show that in the Greek conception it was always present and ready to act. In *The Seven against Thebes*, Eteocles is represented in command of the city, and his brother Polynices as one of the seven chiefs who had invested the place. The assault was repelled, but the brothers fell in a personal combat at one of the gates. After this occurrence a herald says: "It is necessary for me to announce the decree and good pleasure of the councilors of the people of this city of Cadmus. It is resolved,"259 etc. A council which can make and promulgate a decree at any moment, which the people are expected to obey, possesses the supreme[Pg 245] powers of government. Aeschylus, although dealing in this case with events in the legendary period, recognizes the council of chiefs as a necessary part of the system of government of every Grecian people. The boulê of ancient Grecian society was the prototype and pattern of the senate under the subsequent political system of the state.

II. *The Agora.* Although an assembly of the people became established in the legendary period, with a recognized power to adopt or reject public measures submitted by the council, it is not as ancient as the council. The latter came in at the institution of the gentes; but it is doubtful whether the agora existed, with the functions named, back of the Upper Status of barbarism. It has been shown that among the Iroquois, in the Lower Status,

the people presented their wishes to the council of chiefs through orators of their own selection, and that a popular influence was felt in the affairs of the confederacy; but an assembly of the people, with the right to adopt or reject public measures, would evince an amount of progress in intelligence and knowledge beyond the Iroquois. When the agora first appears, as represented in Homer, and in the Greek Tragedies, it had the same characteristics which it afterwards maintained in the ecclesia of the Athenians, and in the *comitia curiata* of the Romans. It was the prerogative of the council of chiefs to mature public measures, and then submit them to the assembly of the people for acceptance or rejection, and their decision was final. The functions of the agora were limited to this single act. It could neither originate measures, nor interfere in the administration of affairs; but nevertheless it was a substantial power, eminently adapted to the protection of their liberties. In the heroic age certainly, and far back in the legendary period, the agora is a constant phenomenon among the Grecian tribes, and, in connection with the council, is conclusive evidence of the democratical constitution of gentile society throughout these periods. A public sentiment, as we have reason to suppose, was created among the people on all important questions, through the exercise of their intelligence, which the council of chiefs found it desirable as well as necessary to consult, both for the public good and[Pg 246] for the maintenance of their own authority. After hearing the submitted question discussed, the assembly of the people, which was free to all who desired to speak,260 made their decision in ancient times usually by a show of hands.261 Through participation in public affairs, which affected the interests of all, the people were constantly learning the art of self-government, and a portion of them, as the Athenians, were preparing themselves for the full democracy subsequently established by the constitutions of Cleisthenes. The assembly of the people to deliberate upon public questions, not unfrequently derided as a mob by writers who were unable to understand or appreciate the principle of democracy, was the germ of the ecclesia (ἐκκλησία) of the Athenians, and of the lower house of modern legislative bodies.

III. *The Basileus.* This officer became a conspicuous character in the Grecian society of the heroic age, and was equally prominent in the legendary period. He has been placed by historians in the centre of the system. The name of the office (βασιλεύς) was used by the best Grecian

writers to characterize the government, which was styled a basileia (βᾶσίλειᾶ). Modern writers, almost without exception, translate basileus by the term *king*, and basileia by the term *kingdom*, without qualification, and as exact equivalents. I wish to call attention to this office of basileus, as it existed in the Grecian tribes, and to question the correctness of this interpretation. There is no similarity whatever between the basileia of the ancient Athenians and the modern kingdom or monarchy; certainly not enough to justify the use of the same term to describe both. Our idea of a kingly government is essentially of a type in which a king, surrounded by a privileged and titled class in the ownership and possession of the lands, rules according to his own will and pleasure by edicts and decrees; claiming an hereditary right to rule, because he cannot allege the consent of the governed. Such governments have been self-imposed[Pg 247] through the principle of hereditary right, to which the priesthood have sought to superadd a divine right. The Tudor kings of England and the Bourbon kings of France are illustrations. Constitutional monarchy is a modern development, and essentially different from the basileia of the Greeks. The basileia was neither an absolute nor a constitutional monarchy; neither was it a tyranny or a despotism. The question then is, what was it.

Mr. Grote claims that "the primitive Grecian government is essentially monarchical, reposing on personal feeling and divine right;"[262] and to confirm this view he remarks further, that "the memorable dictum in the Iliad is borne out by all that we hear in actual practice: 'the rule of many is not a good thing; let us have one ruler only—one king—him to whom Zeus has given the sceptre, with the tutelary sanctions.'"[263] This opinion is not peculiar to Mr. Grote, whose eminence as a historian all delight to recognize; but it has been steadily and generally affirmed by historical writers on Grecian themes, until it has come to be accepted as historical truth. Our views upon Grecian and Roman questions have been moulded by writers accustomed to monarchical government and privileged classes, who were perhaps glad to appeal to the earliest known governments of the Grecian tribes for a sanction of this form of government, as at once natural, essential and primitive.

The true statement, as it seems to an American, is precisely the reverse of Mr. Grote's; namely, that the primitive Grecian government was essentially democratical, reposing on gentes, phratries and tribes, organized as self-

governing bodies, and on the principles of liberty, equality and fraternity. This is borne out by all we know of the gentile organization, which has been shown to rest on principles essentially democratical. The question then is, whether the office of basileus passed in reality from father to son by hereditary right; which, if true, would tend to show a subversion of these principles. We have seen that in the Lower Status of barbarism the office of chief was hereditary in a gens, by which is meant that the va[Pg 248]cancy was filled from the members of the gens as often as it occurred. Where descent was in the female line, as among the Iroquois, an own brother was usually selected to succeed the deceased chief, and where descent was in the male line, as among the Ojibwas and Omahas, the oldest son. In the absence of objections to the person such became the rule; but the elective principle remained, which was the essence of self-government. It cannot be claimed, on satisfactory proof, that the oldest son of the basileus took the office, upon the demise of his father, by absolute hereditary right. This is the essential fact; and it requires conclusive proof for its establishment. The fact that the oldest, or one of the sons, usually succeeded, which is admitted, does not establish the fact in question; because by usage he was in the probable line of succession by a free election from a constituency. The presumption, on the face of Grecian institutions, is against succession to the office of basileus by hereditary right; and in favor either of a free election, or of a confirmation of the office by the people through their recognized organizations, as in the case of the Roman rex.264 With the office of basileus transmitted in the manner last named, the government would remain in the hands of the people. Because without an election or confirmation he could not assume the office; and because further, the power to elect or confirm implies the reserved right to depose.

The illustration of Mr. Grote, drawn from the Iliad, is without significance on the question made. Ulysses, from whose address the quotation is taken, was speaking of the command of an army before a besieged city. He might well say: “All the Greeks cannot by any means rule here. The rule of many is not a good thing. Let us have one koiranos, one basileus, to whom Zeus has given the sceptre, and the divine sanctions in order that he may command us.”265 Koiranos and basileus are [Pg 249]used as equivalents, because both alike signified a general military commander. There was no occasion for Ulysses to discuss or endorse any plan of government; but he

had sufficient reasons for advocating obedience to a single commander of the army before a besieged city.

Basileia may be defined as a military democracy, the people being free, and the spirit of the government, which is the essential thing, being democratical. The basileus was their general, holding the highest, the most influential and the most important office known to their social system. For the want of a better term to describe the government, basileia was adopted by Grecian writers, because it carried the idea of a generalship which had then become a conspicuous feature in the government. With the council and the agora both existing with the basileus, if a more special definition of this form of government is required, military democracy expresses it with at least reasonable correctness; while the use of the term kingdom, with the meaning it necessarily conveys, would be a misnomer.

In the heroic age the Grecian tribes were living in walled cities, and were becoming numerous and wealthy through field agriculture, manufacturing industries, and flocks and herds. New offices were required, as well as some degree of separation of their functions; and a new municipal system was growing up apace with their increasing intelligence and necessities. It was also a period of incessant military strife for the possession of the most desirable areas. Along with the increase of property the aristocratic element in society undoubtedly increased, and was the chief cause of those disturbances which prevailed in Athenian society from the time of Theseus to the times of Solon and Cleisthenes. During this period, and until the final abolition of the office some time before the first Olympiad, (776 B. C.) the basileus, from the character of his office and from the state of the times, became more prominent and more [Pg 250]powerful than any single person in their previous experience. The functions of a priest and of a judge were attached to or inherent in his office; and he seems to have been *ex officio* a member of the council of chiefs. It was a great as well as a necessary office, with the powers of a general over the army in the field, and over the garrison in the city, which gave him the means of acquiring influence in civil affairs as well. But it does not appear that he possessed civil functions. Prof. Mason remarks, that "our information respecting the Grecian kings in the more historical age is not ample or minute enough to enable us to draw out a detailed scheme of their functions."266 The military and priestly functions of the basileus are tolerably well understood, the judicial

imperfectly, and the civil functions cannot properly be said to have existed. The powers of such an office under gentile institutions would gradually become defined by the usage of experience, but with a constant tendency in the basileus to assume new ones dangerous to society. Since the council of chiefs remained as a constituent element of the government, it may be said to have represented the democratic principles of their social system, as well as the gentes, while the basileus soon came to represent the aristocratic principle. It is probable that a perpetual struggle was maintained between the council and the basileus, to hold the latter within the limits of powers the people were willing to concede to the office. Moreover, the abolition of the office by the Athenians makes it probable that they found the office unmanageable, and incompatible with gentile institutions, from the tendency to usurp additional powers.

Among the Spartan tribes the ephoralty was instituted at a very early period to limit the powers of the basileis in consequence of a similar experience. Although the functions of the council in the Homeric and the legendary periods are not accurately known, its constant presence is evidence sufficient that its powers were real, essential and permanent. With the simultaneous existence of the agora, and in the absence of proof of a change of institutions, we are led to the conclusion that the council, under established usages, was supreme over gentes,[Pg 251] phratries, tribes and nation, and that the basileus was amenable to this council for his official acts. The freedom of the gentes, of whom the members of the council were representatives, presupposes the independence of the council, as well as its supremacy.

Thucydides refers incidentally to the governments of the traditionary period, as follows: “Now when the Greeks were becoming more powerful, and acquiring possession of property still more than before, many tyrannies were established in the cities, from their revenues becoming greater; whereas before there had been hereditary basileia with specified powers.” (πρότερον δὲ ἦσαν ἐπὶ ῥητοῖς γέρασι πατρικαὶ βασιλεῖαι)267 The office was hereditary in the sense of perpetual because it was filled as often as a vacancy occurred, but probably hereditary in a gens, the choice being by a free election by his gennêtes, or by nomination possibly by the council, and confirmation of the gentes, as in the case of the rex of the Romans.

Aristotle has given the most satisfactory definition of the basileia and of the basileus of the heroic period of any of the Grecian writers. These then are the four kinds of basileia he remarks: the first is that of the heroic times, which was a government over a free people, with restricted rights in some particulars; for the basileus was their general, their judge and their chief priest. The second, that of the barbarians, which is an hereditary despotic government, regulated by laws; the third is that which they call Aesymnetic, which is an elective tyranny. The fourth is the Lacedaemonian, which is nothing more than an hereditary generalship.268 Whatever may be said of the last three forms, the first does not answer to the idea of a kingdom of the absolute type, nor to any recognizable form of monarchy. Aristotle enumerates with striking clearness the[Pg 252] principal functions of the basileus, neither of which imply civil powers, and all of which are consistent with an office for life, held by an elective tenure. They are also consistent with his entire subordination to the council of chiefs. The "restricted rights," and the "specified powers" in the definitions of these authors, tend to show that the government had grown into this form in harmony with, as well as under, gentile institutions. The essential element in the definition of Aristotle is the freedom of the people, which in ancient society implies that the people held the powers of the government under their control, that the office of basileus was voluntarily bestowed, and that it could be recalled for sufficient cause. Such a government as that described by Aristotle can be understood as a military democracy, which, as a form of government under free institutions, grew naturally out of the gentile organization when the military spirit was dominant, when wealth and numbers appeared, with habitual life in fortified cities, and before experience had prepared the way for a pure democracy.

Under gentile institutions, with a people composed of gentes, phratries and tribes, each organized as independent self-governing bodies, the people would necessarily be free. The rule of a king by hereditary right and without direct accountability in such a society was simply impossible. The impossibility arises from the fact that gentile institutions are incompatible with a king or with a kingly government. It would require, what I think cannot be furnished, positive proof of absolute hereditary right in the office of basileus, with the presence of civil functions, to overcome the presumption which arises from the structure and principles of ancient

Grecian society. An Englishman, under his constitutional monarchy, is as free as an American under the republic, and his rights and liberties are as well protected; but he owes that freedom and protection to a body of written laws, created by legislation and enforced by courts of justice. In ancient Grecian society, usages and customs supplied the place of written laws, and the person depended for his freedom and protection upon the institutions of his social system. His safeguard was pre-eminently in such institutions as the elective tenure of office implies.

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The reges of the Romans were, in like manner, military commanders, with priestly functions attached to their office; and this so-called kingly government falls into the same category of a military democracy. The rex, as before stated, was nominated by the senate, and confirmed by the *comitia curiata*; and the last of the number was deposed. With his deposition the office was abolished, as incompatible with what remained of the democratic principle, after the institution of Roman political society.

The nearest analogues of kingdoms among the Grecian tribes were the tyrannies, which sprang up here and there, in the early period, in different parts of Greece. They were governments imposed by force, and the power claimed was no greater than that of the feudal kings of mediæval times. A transmission of the office from father to son through a few generations in order to superadd hereditary right was needed to complete the analogy. But such governments were so inconsistent with Grecian ideas, and so alien to their democratic institutions, that none of them obtained a permanent footing in Greece. Mr. Grote remarks that "if any energetic man could by audacity or craft break down the constitution and render himself permanent ruler according to his own will and pleasure—even though he might rule well—he could never inspire the people with any sentiment of duty towards him. His sceptre was illegitimate from the beginning, and even the taking of his life, far from being interdicted by that moral feeling which condemned the shedder of blood in other cases, was considered meritorious."269 It was not so much the illegitimate sceptre which aroused the hostility of the Greeks, as the antagonism of democratical with monarchical ideas, the former of which were inherited from the gentes.

When the Athenians established the new political system, founded upon territory and upon property, the government was a pure democracy. It was

no new theory, or special invention of the Athenian mind, but an old and familiar system, with an antiquity as great as that of the gentes themselves. Democratic ideas had existed in the knowledge and practice of their[Pg 254] forefathers from time immemorial, and now found expression in a more elaborate, and, in many respects, in an improved government. The false element, that of aristocracy, which had penetrated the system and created much of the strife in the transitional period connected itself with the office of basileus, and remained after this office was abolished; but the new system accomplished its overthrow. More successfully than the remaining Grecian tribes, the Athenians were able to carry forward their ideas of government to their logical results. It is one reason why they became, for their numbers, the most distinguished, the most intellectual and the most accomplished race of men the entire human family has yet produced. In purely intellectual achievements they are still the astonishment of mankind. It was because the ideas which had been germinating through the previous ethnical period, and which had become interwoven with every fibre of their brains, had found a happy fruition in a democratically constituted state. Under its life-giving impulses their highest mental development occurred. The plan of government instituted by Cleisthenes rejected the office of a chief executive magistrate, while it retained the council of chiefs in an elective senate, and the agora in the popular assembly. It is evident that the council, the agora and the basileus of the gentes were the germs of the senate, the popular assembly, and the chief executive magistrate (king, emperor and president) of modern political society. The latter office sprang from the military necessities of organized society, and its development with the upward progress of mankind is instructive. It can be traced from the common war-chief, first to the Great War Soldier, as in the Iroquois Confederacy; secondly, to the same military commander in a confederacy of tribes more advanced, with the functions of a priest attached to the office, as the Teuctli of the Aztec Confederacy; thirdly, to the same military commander in a nation formed by a coalescence of tribes, with the functions of a priest and of a judge attached to the office, as in the basileus of the Greeks; and finally, to the chief magistrate in modern political society. The elective archon of the Athenians, who succeeded[Pg 255] the basileus, and the president of modern republics, from the elective tenure of the office, were the natural outcome of gentilism. We are indebted to the

experience of barbarians for instituting and developing the three principal instrumentalities of government now so generally incorporated in the plan of government in civilized states. The human mind, specifically the same in all individuals in all the tribes and nations of mankind, and limited in the range of its powers, works and must work, in the same uniform channels, and within narrow limits of variation. Its results in disconnected regions of space, and in widely separated ages of time, articulate in a logically connected chain of common experiences. In the grand aggregate may still be recognized the few primary germs of thought, working upon primary human necessities, which, through the natural process of development, have produced such vast results.

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CHAPTER X. - THE INSTITUTION OF GRECIAN POLITICAL SOCIETY.

Failure of the Gentes as a Basis of Government.—Legislation of Theseus.—Attempted Substitution of Classes.—Its Failure.—Abolition of the Office of Basileus.—The Archonship.—Naucraries and Tryttyes.—Legislation of Solon.—The Property Classes.—Partial Transfer of Civil Power from the Gentes to the Classes.—Persons Unattached to any Gens.—Made Citizens.—The Senate.—The Ecclesia.—Political Society Partially Attained.—Legislation of Cleisthenes.—Institution Of Political Society.—The Attic Deme or Township.—Its Organization and Powers.—Its Local Self-government.—The Local Tribe or District.—The Attic Commonwealth.—Athenian Democracy.

The several Grecian communities passed through a substantially similar experience in transferring themselves from gentile into political society; but the mode of transition can be best illustrated from Athenian history, because the facts with respect to the Athenians are more fully preserved. A bare outline of the material events will answer the object in view, as it is not proposed to follow the growth of the idea of government beyond the inauguration of the new political system.

It is evident that the failure of gentile institutions to meet the now complicated wants of society originated the movement to withdraw all civil powers from the gentes, phratries and tribes, and re-invest them in new constituencies. This movement was gradual, extending through a long period of time, and was embodied in a series of successive experiments by

means of which a remedy was sought for existing evils. The coming in of the new system was as gradual as the going out of[Pg 257] the old, the two for a part of the time existing side by side. In the character and objects of the experiments tried we may discover wherein the gentile organization had failed to meet the requirements of society, the necessity for the subversion of the gentes, phratries and tribes as sources of power, and the means by which it was accomplished.

Looking backward upon the line of human progress, it may be remarked that the stockaded village was the usual home of the tribe in the Lower Status of barbarism. In the Middle Status joint-tenement houses of adobe-bricks and of stone, in the nature of fortresses, make their appearance. But in the Upper Status, cities surrounded with ring embankments, and finally with walls of dressed stone, appear for the first time in human experience. It was a great step forward when the thought found expression in action of surrounding an area ample for a considerable population with a defensive wall of dressed stone, with towers, parapets and gates, designed to protect all alike and to be defended by the common strength. Cities of this grade imply the existence of a stable and developed field agriculture, the possession of domestic animals in flocks and herds, of merchandise in masses and of property in houses and lands. The city brought with it new demands in the art of government by creating a changed condition of society. A necessity gradually arose for magistrates and judges, military and municipal officers of different grades, with a mode of raising and supporting military levies which would require public revenues. Municipal life and wants must have greatly augmented the duties and responsibilities of the council of chiefs, and perhaps have overtaxed its capacity to govern. It has been shown that in the Lower Status of barbarism the government was of one power, the council of chiefs; that in the Middle Status it was of two powers, the council of chiefs and the military commander; and that in the Upper Status it was of three powers, the council of chiefs, the assembly of the people and the military commander. But after the commencement of civilization, the differentiation of the powers of the government had proceeded still further. The military power, first devolved upon the basileus, was now exercised by[Pg 258] generals and captains under greater restrictions. By a further differentiation the judicial power had now appeared among the Athenians. It was exercised by the archons and dicasts. Magisterial powers were now being devolved upon municipal magistrates.

Step by step, and with the progress of experience and advancement, these several powers had been taken by differentiation from the sum of the powers of the original council of chiefs, so far as they could be said to have passed from the people into this council as a representative body.

The creation of these municipal offices was a necessary consequence of the increasing magnitude and complexity of their affairs. Under the increased burden gentile institutions were breaking down. Unnumbered disorders existed, both from the conflict of authority, and from the abuse of powers not as yet well defined. The brief and masterly sketch by Thucydides of the condition of the Grecian tribes in the transitional period,270 and the concurrent testimony of other writers to the same effect, leave no doubt that the old system of government was failing, and that a new one had become essential to further progress. A wider distribution of the powers of the government, a clearer definition of them, and a stricter accountability of official persons were needed for the welfare as well as safety of society; and more especially the substitution of written laws, enacted by competent authority, in the place of usages and customs. It was through the experimental knowledge gained in this and the previous ethnical period that the idea of political society or a state was gradually forming in the Grecian mind. It was a growth running through centuries of time, from the first appearance of a necessity for a change in the plan of government, before the entire result was realized.

The first attempt among the Athenians to subvert the gentile organization and establish a new system is ascribed to Theseus, and therefore rests upon tradition; but certain facts remained to the historical period which confirm some part at least of his supposed legislation. It will be sufficient to regard Theseus as representing a period, or a series of events. From the time of Cecrops to Theseus, according to Thucydides, the

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Attic people had always lived in cities, having their own prytaneums and archons, and when not in fear of danger did not consult their basileus, but governed their own affairs separately according to their own councils. But when Theseus was made basileus, he persuaded them to break up the council-houses and magistracies of their several cities and come into relation with Athens, with one council-house (βουλευτήριος), and one prytaneum (πρυτανεῖον), to which all were considered as belonging.271

This statement embodies or implies a number of important facts, namely; that the Attic population were organized in independent tribes, each having its own territory in which the people were localized, with its own council-house and prytaneum; and that while they were self-governing societies they were probably confederated for mutual protection, and elected their basileus or general to command their common forces. It is a picture of communities democratically organized, needing a military commander as a necessity of their condition, but not invested with civil functions which their gentile system excluded. Under Theseus they were brought to coalesce into one people, with Athens as their seat of government, which gave them a higher organization than before they had been able to form. The coalescence of tribes into a nation in one territory is later in time than confederations, where the tribes occupy independent territories. It is a higher organic process. While the gentes had always been intermingled by marriage, the tribes were now intermingled by obliterating territorial lines, and by the use of a common council-hall and prytaneum. The act ascribed to Theseus explains the advancement of their gentile society from a lower to a higher organic form, which must have occurred at some time, and probably was effected in the manner stated.

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But another act is ascribed to Theseus evincing a more radical plan, as well as an appreciation of the necessity for a fundamental change in the plan of government. He divided the people into three classes, irrespective of gentes, called respectively the *Eupatridæ* or "well-born," the *Geomori* or "husbandmen," and the *Demiurgi* or "artisans." The principal offices were assigned to the first class both in the civil administration and in the priesthood. This classification was not only a recognition of property and of the aristocratic element in the government of society, but it was a direct movement against the governing power of the gentes. It was the evident intention to unite the chiefs of the gentes with their families, and the men of wealth in the several gentes, in a class by themselves, with the right to hold the principal offices in which the powers of society were vested. The separation of the remainder into two great classes traversed the gentes again. Important results might have followed if the voting power had been taken from the gentes, phratries and tribes, and given to the classes, subject to the right of the first to hold the principal offices. This does not appear to

have been done, although absolutely necessary to give vitality to the classes. Moreover, it did not change essentially the previous order of things with respect to holding office. Those now called Eupatrids were probably the men of the several gentes who had previously been called into office. This scheme of Theseus died out, because there was in reality no transfer of powers from the gentes, phratries and tribes to the classes, and because such classes were inferior to the gentes as the basis of a system.

The centuries that elapsed from the unknown time of Theseus to the legislation of Solon (594 B. C.) formed one of the most important periods in Athenian experience; but the succession of events is imperfectly known. The office of basileus was abolished prior to the first Olympiad (776 B. C.), and the archonship established in its place. The latter seems to have been hereditary in a gens, and it is stated to have been hereditary in a particular family within the gens, the first twelve archons being called the Medontidæ, from Medon, the first ar[Pg 261]chon, claimed to have been the son of Codrus, the last basileus. In the case of these archons, who held for life, the same question exists which has elsewhere been raised with respect to the basileus; that an election or confirmation by a constituency was necessary before the office could be assumed. The presumption is against the transmission of the office by hereditary right. In 711 B. C. the office of archon was limited to ten years, and bestowed by free election upon the person esteemed most worthy of the position. We are now within the historical period, though near its threshold, where we meet the elective principle with respect to the highest office in the gift of the people clearly and completely established. It is precisely what would have been expected from the constitution and principles of the gentes, although the aristocratical principle, as we must suppose, had increased in force with the increase of property, and was the source through which hereditary right was introduced wherever found. The existence of the elective principle with respect to the later archons is not without significance in its relation to the question of the previous practice of the Athenians. In 683 B. C. the office was made elective annually, the number was increased to nine, and their duties were made ministerial and judicial.272 We may notice, in these events, evidence of a gradual progress in knowledge with respect to the tenure of office. The Athenian tribes had inherited from their remote ancestors the office of archon (ἀρχός) as chief of the gens. It was hereditary

in the gens, as may fairly be supposed, and elective among its members. After descent was changed to the male line the sons of the deceased chief were within the line of succession, and one of their number would be apt to be chosen[Pg 262] in the absence of personal objections. But now they reverted to this original office for the name of their highest magistrate, made it elective irrespective of any gens, and limited its duration, first to ten years, and finally to one. Prior to this, the tenure of office to which they had been accustomed was for life. In the Lower and also in the Middle Status of barbarism we have found the office of chief, elective and for life; or during good behavior, for this limitation follows from the right of the gens to depose from office. It is a reasonable inference that the office of chief in a Grecian gens was held by a free election and by the same tenure. It must be regarded as proof of a remarkable advancement in knowledge at this early period that the Athenian tribes substituted a term of years for their most important office, and allowed a competition of candidates. They thus worked out the entire theory of an elective and representative office, and placed it upon its true basis.

In the time of Solon, it may be further noticed, the Court of Areopagus, composed of ex-archons, had come into existence with power to try criminals and with a censorship over morals, together with a number of new offices in the military, naval and administrative services. But the most important event that occurred about this time was the institution of the *naucraries* (ναυκραρίαι), twelve in each tribe, and forty-eight in all; each of which was a local circumscription of householders from which levies were drawn into the military and naval service, and from which taxes were probably collected. The naucrary was the incipient deme or township which, when the idea of a territorial basis was fully developed, was to become the foundation of the second great plan of government. By whom the naucraries were instituted is unknown. "They must have existed even before the time of Solon," Boeckh remarks, "since the presiding officers of the naucraries (πρυτάνεις τῶν ναυκράρων) are mentioned before the time of his legislation; and when Aristotle ascribes their institution to Solon, we may refer this account only to their confirmation by the political constitution of Solon."273 Twelve naucraries formed a trittys (τριττύς) a larger territorial circumscription, but they were not[Pg 263] necessarily

contiguous. It was, in like manner, the germ of the county, the next territorial aggregate above the township.

Notwithstanding the great changes that had occurred in the instrumentalities by which the government was administered, the people were still in a gentile society, and living under gentile institutions. The gens, phratry and tribe were in full vitality, and the recognized sources of power. Before the time of Solon no person could become a member of this society except through connection with a gens and tribe. All other persons were beyond the pale of the government. The council of chiefs remained, the old and time-honored instrument of government; but the powers of the government were now coordinated between itself, the agora or assembly of the people, the Court of Areopagus, and the nine archons. It was the prerogative of the council to originate and mature public measures for submission to the people, which enabled it to shape the policy of the government. It doubtless had the general administration of the finances, and it remained to the end, as it had been from the beginning, the central feature of the government. The assembly of the people had now come into increased prominence. Its functions were still limited to the adoption or rejection of public measures submitted to its decision by the council; but it began to exercise a powerful influence upon public affairs. The rise of this assembly as a power in the government is the surest evidence of the progress of the Athenian people in knowledge and intelligence. Unfortunately the functions and powers of the council of chiefs and of the assembly of the people in this early period have been imperfectly preserved, and but partially elucidated.

In 624 B. C. Draco had framed a body of laws for the Athenians which were chiefly remarkable for their unnecessary severity; but this code demonstrated that the time was drawing near in Grecian experience when usages and customs were to be superseded by written laws. As yet the Athenians had not learned the art of enacting laws as the necessity for them appeared, which required a higher knowledge of the functions of legislative bodies than they had attained. They were in that stage in which lawgivers appear, and legislation is in a scheme[Pg 264] or in gross, under the sanction of a personal name. Thus slowly the great sequences of human progress unfold themselves.

When Solon came into the archonship (594 B. C.) the evils prevalent in society had reached an unbearable degree. The struggle for the possession

of property, now a commanding interest, had produced singular results. A portion of the Athenians had fallen into slavery, through debt,—the person of the debtor being liable to enslavement in default of payment; others had mortgaged their lands and were unable to remove the encumbrances; and as a consequence of these and other embarrassments society was devouring itself. In addition to a body of laws, some of them novel, but corrective of the principal financial difficulties, Solon renewed the project of Theseus of organizing society into classes, not according to callings as before, but according to the amount of their property. It is instructive to follow the course of these experiments to supersede the gentes and substitute a new system, because we shall find the Roman tribes, in the time of Servius Tullius, trying the same experiment for the same purpose. Solon divided the people into four classes according to the measure of their wealth, and going beyond Theseus, he invested these classes with certain powers, and imposed upon them certain obligations. It transferred a portion of the civil powers of the gentes, phratries and tribes to the property classes. In proportion as the substance of power was drawn from the former and invested in the latter, the gentes would be weakened and their decadence would commence. But so far as classes composed of persons were substituted for gentes composed of persons, the government was still founded upon person, and upon relations purely personal. The scheme failed to reach the substance of the question. Moreover, in changing the council of chiefs into the senate of four hundred, the members were taken in equal numbers from the four tribes, and not from the classes. But it will be noticed that the idea of property, as the basis of a system of government, was now incorporated by Solon in the new plan of property classes. It failed, however, to reach the idea of political society, which must rest upon territory as well as property, and deal with persons through their territorial[Pg 265] relations. The first class alone were eligible to the high offices, the second performed military service on horseback, the third as infantry, and the fourth as light-armed soldiers. This last class were the numerical majority. They were disqualified from holding office, and paid no taxes; but in the popular assembly of which they were members, they possessed a vote upon the election of all magistrates and officers, with power to bring them to an account. They also had power to adopt or reject all public measures submitted by the senate to their decision. Under the constitution of Solon their powers were real and durable, and their

influence upon public affairs was permanent and substantial. All freemen, though not connected with a gens and tribe, were now brought into the government, to a certain extent, by becoming citizens and members of the assembly of the people with the powers named. This was one of the most important results of the legislation of Solon.

It will be further noticed that the people were now organized as an army, consisting of three divisions; the cavalry, the heavy-armed infantry, and the light-armed infantry, each with its own officers of different grades. The form of the statement limits the array to the last three classes, which leaves the first class in the unpatriotic position of appropriating to themselves the principal offices of the government, and taking no part in the military service. This undoubtedly requires modification. The same plan of organization, but including the five classes, will re-appear among the Romans under Servius Tullius, by whom the body of the people were organized as an army (*exercitus*) fully officered and equipped in each subdivision. The idea of a military democracy, different in organization but the same theoretically as that of the previous period, re-appears in a new dress both in the Solonian and in the Servian constitution.

In addition to the property element, which entered into the basis of the new system, the territorial element was partially incorporated through the naucraries before adverted to, in which it is probable there was an enrollment of citizens and of their property to form a basis for military levies and for taxa[Pg 266]tion. These provisions, with the senate, the popular assembly now called the ecclesia, the nine archons, and the Court of Areopagus, gave to the Athenians a much more elaborate government than they had before known, and requiring a higher degree of intelligence for its management. It was also essentially democratical in harmony with their antecedent ideas and institutions; in fact a logical consequence of them, and explainable only as such. But it fell short of a pure system in three respects: firstly, it was not founded upon territory; secondly, all the dignities of the state were not open to every citizen; and thirdly, the principle of local self-government in primary organizations was unknown, except as it may have existed imperfectly in the naucraries. The gentes, phratries and tribes still remained in full vitality, but with diminished powers. It was a transitional condition, requiring further experience to develop the theory of a political system toward which it was a great

advance. Thus slowly but steadily human institutions are evolved from lower into higher forms, through the logical operations of the human mind working in uniform but predetermined channels.

There was one weighty reason for the overthrow of the gentes and the substitution of a new plan of government. It was probably recognized by Theseus, and undoubtedly by Solon. From the disturbed condition of the Grecian tribes and the unavoidable movements of the people in the traditionary period and in the times prior to Solon, many persons transferred themselves from one nation to another, and thus lost their connection with their own gens without acquiring a connection with another. This would repeat itself from time to time, through personal adventure, the spirit of trade, and the exigencies of warfare, until a considerable number with their posterity would be developed in every tribe unconnected with any gens. All such persons, as before remarked, would be without the pale of the government with which there could be no connection excepting through a gens and tribe. The fact is noticed by Mr. Grote. "The phratries and gentes," he remarks, "probably never at any time included the whole population of the country—and the population not included in them tended to become[Pg 267] larger and larger in the times anterior to Kleisthenes, as well as afterwards."274 As early as the time of Lycurgus there was a considerable immigration into Greece from the islands of the Mediterranean, and from the Ionian cities of its eastern coasts, which increased the number of persons unattached to any gens. When they came in families they would bring a fragment of a new gens with them; but they would remain aliens unless the new gens was admitted into a tribe. This probably occurred in a number of cases, and it may assist in explaining the unusual number of gentes in Greece. The gentes and phratries were close corporations, both of which would have been adulterated by the absorption of these aliens through adoption into a native gens. Persons of distinction might be adopted into some gens, or secure the admission of their own gens into some tribe; but the poorer class would be refused either privilege. There can be no doubt that as far back as the time of Theseus, and more especially in the time of Solon, the number of the unattached class, exclusive of the slaves, had become large. Having neither gens nor phratry they were also without direct religious privileges, which were inherent and exclusive in these organizations. It is not difficult to see

in this class of persons a growing element of discontent dangerous to the security of society.

The schemes of Theseus and of Solon made imperfect provision for their admission to citizenship through the classes; but as the gentes and phratries remained from which they were excluded, the remedy was still incomplete. Mr. Grote further remarks, that "it is not easy to make out distinctly what was the political position of the ancient Gentes and Phratries, as Solon left them. The four tribes consisted altogether of gentes and phratries, insomuch that no one could be included in any one of the tribes who was not also a member of some gens and phratry. Now the new probouleutic or pre-considering senate consisted of 400 members,—100 from each of the tribes: persons not included in any gens and phratry could therefore have had no access to it. The conditions of eligibility were similar, according to ancient custom, for the nine archons—of course, also, for the senate of Areopagus. So that there[Pg 268] remained only the public assembly, in which an Athenian, not a member of these tribes, could take part: yet he was a citizen, since he could give his vote for archons and senators, and could take part in the annual decision of their accountability, besides being entitled to claim redress for wrong from the archons in his own person—while the alien could only do so through the intervention of an avouching citizen, or Prostatês. It seems therefore that all persons not included in the four tribes, whatever their grade or fortune might be, were on the same level in respect to political privilege as the fourth and poorest class of the Solonian census. It has already been remarked, that even before the time of Solon, the number of Athenians not included in the gentes or phratries was probably considerable: it tended to become greater and greater, since these bodies were close and unexpansive, while the policy of the new lawgiver tended to invite industrious settlers from other parts of Greece to Athens."[275] The Roman Plebeians originated from causes precisely similar. They were not members of any gens, and therefore formed no part of the *Populus Romanus*. We may find in the facts stated one of the reasons of the failure of the gentile organization to meet the requirements of society. In the time of Solon, society had outgrown their ability to govern, its affairs had advanced so far beyond the condition in which the gentes originated. They furnished a basis too narrow for a state, up to the measure of which the people had grown.

There was also an increasing difficulty in keeping the members of a gens, phratry and tribe locally together. As parts of a governmental organic series, this fact of localization was highly necessary. In the earlier period, the gens held its lands in common, the phratries held certain lands in common for religious uses, and the tribe probably held other lands in common. When they established themselves in country or city, they settled locally together by gentes, by phratries and by tribes, as a consequence of their social organization. Each gens was in the main by itself—not all of its members, for two gentes were represented in every family, but the body who propa[Pg 269]gated the gens. Those gentes belonging to the same phratry naturally sought contiguous or at least near areas, and the same with the several phratries of the tribe. But in the time of Solon, lands and houses had come to be owned by individuals in severalty, with power of alienation as to lands, but not of houses out of the gens. It doubtless became more and more impossible to keep the members of a gens locally together, from the shifting relations of persons to land, and from the creation of new property by its members in other localities. The unit of their social system was becoming unstable in place, and also in character. Without stopping to develop this fact of their condition further, it must have proved one of the reasons of the failure of the old plan of government. The township, with its fixed property and its inhabitants for the time being, yielded that element of permanence now wanting in the gens. Society had made immense progress from its former condition of extreme simplicity. It was very different from that which the gentile organization was instituted to govern. Nothing but the unsettled condition and incessant warfare of the Athenian tribes, from their settlement in Attica to the time of Solon, could have preserved this organization from overthrow. After their establishment in walled cities, that rapid development of wealth and numbers occurred which brought the gentes to the final test, and demonstrated their inability to govern a people now rapidly approaching civilization. But their displacement even then required a long period of time.

The seriousness of the difficulties to be overcome in creating a political society are strikingly illustrated in the experience of the Athenians. In the time of Solon, Athens had already produced able men; the useful arts had attained a very considerable development; commerce on the sea had become a national interest; agriculture and manufactures were well

advanced; and written composition in verse had commenced. They were in fact a civilized people, and had been for two centuries; but their institutions of government were still gentile, and of the type prevalent throughout the Later Period of barbarism. A great impetus had been given to the Athenian commonwealth by the new system of Solon; nevertheless, nearly a century[Pg 270] elapsed, accompanied with many disorders, before the idea of a state was fully developed in the Athenian mind. Out of the naucrary, a conception of a township as the unit of a political system was finally elaborated; but it required a man of the highest genius, as well as great personal influence, to seize the idea in its fullness, and give it an organic embodiment. That man finally appeared in Cleisthenes (509 B. C.), who must be regarded as the first of Athenian legislators—the founder of the second great plan of human government, that under which modern civilized nations are organized.

Cleisthenes went to the bottom of the question, and placed the Athenian political system upon the foundation on which it remained to the close of the independent existence of the commonwealth. He divided Attica into a hundred demes, or townships, each circumscribed by metes and bounds, and distinguished by a name. Every citizen was required to register himself, and to cause an enrollment of his property in the deme in which he resided. This enrollment was the evidence as well as the foundation of his civil privileges. The deme displaced the naucrary. Its inhabitants were an organized body politic with powers of local self-government, like the modern American township. This is the vital and the remarkable feature of the system. It reveals at once its democratic character. The government was placed in the hands of the people in the first of the series of territorial organizations. The demotæ elected a demarch (δήμαρχος), who had the custody of the public register; he had also power to convene the demotæ for the purpose of electing magistrates and judges, for revising the registry of citizens, and for the enrollment of such as became of age during the year. They elected a treasurer, and provided for the assessment and collection of taxes, and for furnishing the quota of troops required of the deme for the service of the state. They also elected thirty dicasts or judges, who tried all causes arising in the deme where the amount involved fell below a certain sum. Besides these powers of local self-government, which is the essence of a democratic system, each deme had its own temple and religious worship, and its own priest, also elected by the demotæ. Omitting minor

par[Pg 271]ticulars, we find the instructive and remarkable fact that the township, as first instituted, possessed all the powers of local self-government, and even upon a fuller and larger scale than an American township. Freedom in religion is also noticeable, which was placed where it rightfully belongs, under the control of the people. All registered citizens were free, and equal in their rights and privileges, with the exception of equal eligibility to the higher offices. Such was the new unit of organization in Athenian political society, at once a model for a free state, and a marvel of wisdom and knowledge. The Athenians commenced with a democratic organization at the point where every people must commence who desire to create a free state, and place the control of the government in the hands of its citizens.

The second member of the organic territorial series consisted of ten demes, united in a larger geographical district. It was called a local tribe (φῦλον τοπικὸν), to preserve some part of the terminology of the old gentile system.276 Each district was named after an Attic hero, and it was the analogue of the modern county. The demes in each district were usually contiguous, which should have been true in every instance to render the analogy complete; but in a few cases one or more of the ten were detached, probably in consequence of the local separation of portions of the original consanguine tribe who desired to have their deme incorporated in the district of their immediate kinsmen. The inhabitants of each district or county were also a body politic, with certain powers of local self-government. They elected a phylarch (φύλαρχος), who commanded the cavalry; a taxiarch (ταξίαρχος), who commanded the foot-soldiers, and a general (στρατηγός), who commanded both; and as each district was required to furnish five triremes, they probably elected as many trierarchs (τριήραρχος) to command them. Cleisthenes increased the senate to five hun[Pg 272]dred, and assigned fifty to each district. They were elected by its inhabitants. Other functions of this larger body politic doubtless existed, but they have been imperfectly explained.

The third and last member of the territorial series was the Athenian commonwealth or state, consisting of ten local tribes or districts. It was an organized body politic, embracing the aggregate of Athenian citizens. It was represented by a senate, an ecclesia, the court of Areopagus, the

archons, and judges, and the body of elected military and naval commanders.

Thus the Athenians founded the second great plan of government upon territory and upon property. They substituted a series of territorial aggregates in the place of an ascending series of aggregates of persons. As a plan of government it rested upon territory which was necessarily permanent, and upon property which was more or less localized; and it dealt with its citizens, now localized in demes through their territorial relations. To be a citizen of the state it was necessary to be a citizen of a deme. The person voted and was taxed in his deme, and he was called into the military service from his deme. In like manner he was called by election into the senate, and to the command of a division of the army or navy from the larger district of his local tribe. His relations to a gens or phratry ceased to govern his duties as a citizen. The contrast between the two systems is as marked as their difference was fundamental. A coalescence of the people into bodies politic in territorial areas now became complete.

The territorial series enters into the plan of government of modern civilized nations. Among ourselves, for example, we have the township, the county, the state, and the United States; the inhabitants of each of which are an organized body politic with powers of local self-government. Each organization is in full vitality and performs its functions within a definite sphere in which it is supreme. France has a similar series in the commune, the arrondissement, the department, and the empire, now the republic. In Great Britain the series is the parish, the shire, the kingdom, and the three kingdoms. In the Saxon period the hundred seems to have been the analogue of the town[Pg 273]ship;277 but already emasculated of the powers of local self-government, with the exception of the hundred court. The inhabitants of these several areas were organized as bodies politic, but those below the highest with very limited powers. The tendency to centralization under monarchical institutions has atrophied, practically, all the lower organizations.

As a consequence of the legislation of Cleisthenes, the gentes, phratries and tribes were divested of their influence, because their powers were taken from them and vested in the deme, the local tribe and the state, which became from thenceforth the sources of all political power. They were not dissolved, however, even after this overthrow, but remained for centuries as

a pedigree and lineage, and as fountains of religious life. In certain orations of Demosthenes, where the cases involved personal or property rights, descents or rights of sepulture, both the gens and phratry appear as living organizations in his time.278 They were left undisturbed by the new system so far as their connection with religious rites, with certain criminal proceedings, and with certain social practices were concerned, which arrested their total dissolution. The classes, however, both those instituted by Theseus and those afterwards created by Solon, disappeared after the time of Cleisthenes.279

Solon is usually regarded as the founder of Athenian democracy, while some writers attribute a portion of the work to Cleisthenes and Theseus. We shall draw nearer the truth of the matter by regarding Theseus, Solon and Cleisthenes as standing connected with three great movements of the Athenian people, not to found a democracy, for Athenian democracy was older than either, but to change the plan of government from a gentile into a political organization. Neither sought to change the existing principles of democracy which had been inherited from the gentes. They contributed in their respective times to the great movement for the formation of a state, which required the substitution of a political in the place of gentile society. The invention of a township, and the organization of its inhabitants[Pg 274] as a body politic, was the main feature in the problem. It may seem to us a simple matter; but it taxed the capacities of the Athenians to their lowest depths before the idea of a township found expression in its actual creation. It was an inspiration of the genius of Cleisthenes; and it stands as the master work of a master mind. In the new political society they realized that complete democracy which already existed in every essential principle, but which required a change in the plan of government to give it a more ample field and a fuller expression. It is precisely here, as it seems to the writer, that we have been misled by the erroneous assumption of the great historian, Mr. Grote, whose general views of Grecian institutions are so sound and perspicuous, namely, that the early governments of the Grecian tribes were *essentially monarchical*.280 On this assumption it requires a revolution of institutions to explain the existence of that Athenian democracy under which the great mental achievements of the Athenians were made. No such revolution occurred, and no radical change of institutions was ever effected, for the reason that they were and always had

been *essentially democratical*. Usurpations not unlikely occurred, followed by controversies for the restoration of the previous order; but they never lost their liberties, or those ideas of freedom and of the right of self-government which had been their inheritance in all ages.

Recurring for a moment to the basileus, the office tended to make the man more conspicuous than any other in their affairs. He was the first person to catch the mental eye of the historian by whom he has been metamorphosed into a king, notwithstanding he was made to reign, and by divine right, over a rude democracy. As a general in a military democracy, the basileus becomes intelligible, and without violating the institutions that actually existed. The introduction of this office did not change the principles of the gentes, phratries and tribes, which in their organization were essentially democratical, and which of necessity impressed that character on their gentile system. Evidence is not wanting that the popular element was constantly[Pg 275] active to resist encroachments on personal rights. The basileus belongs to the traditionary period, when the powers of government were more or less undefined; but the council of chiefs existed in the centre of the system, and also the gentes, phratries and tribes in full vitality. These are sufficient to determine the character of the government.281

The government as reconstituted by Cleisthenes contrasted strongly with that previous to the time of Solon. But the transition was not only natural but inevitable if the people followed their ideas to their logical results. It was a change of plan, but not of principles nor even of instrumentalities. The council of chiefs remained in the senate, the agora in the ecclesia; the three highest archons were respectively ministers of state, of religion, and of justice as before, while the six inferior archons exercised judicial functions in connection with the courts, and the large body of dicasts now elected annually for judicial service. No executive officer existed under the system, which is one of its striking peculiarities. The nearest approach to it was the president of the senate, who was elected by lot for a single day, without the possibility of a re-election during the year. For a single day he presided over the popular assembly, and held the keys of the citadel and of the treasury. Under the new government the popular assembly held the substance of power, and guided the destiny of Athens. The new element which gave stability and order to the state was the deme or township, with its complete autonomy, and local self-government. A hundred demes

similarly organized would determine the general movement of the commonwealth. As the unit, so the compound. It is here that the people, as before remarked, must begin if they would learn the art of self-government, and maintain equal laws, and equal rights and privileges. They must retain in their hands all the powers of[Pg 276] society not necessary to the state to insure an efficient general administration, as well as the control of the administration itself.

Athens rose rapidly into influence and distinction under the new political system. That remarkable development of genius and intelligence, which raised the Athenians to the highest eminence among the historical nations of mankind, occurred under the inspiration of democratic institutions.

With the institution of political society under Cleisthenes, the gentile organization was laid aside as a portion of the rags of barbarism. Their ancestors had lived for untold centuries in gentilism, with which they had achieved all the elements of civilization, including a written language, as well as entered upon a civilized career. The history of the gentile organization will remain as a perpetual monument of the anterior ages, identified as it has been with the most remarkable and extended experience of mankind. It must ever be ranked as one of the most remarkable institutions of the human family.

In this brief and inadequate review the discussion has been confined to the main course of events in Athenian history. Whatever was true of the Athenian tribes will be found substantially true of the remaining Grecian tribes, though not exhibited on so broad or so grand a scale. The discussion tends to render still more apparent one of the main propositions advanced—that the idea of government in all the tribes of mankind has been a growth through successive stages of development.

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CHAPTER XI. - THE ROMAN GENS.

Italian Tribes Organized in Gentes.—Founding of Rome.—Tribes Organized into a Military Democracy.—The Roman Gens.—Definition of a Gentilis by Cicero.—By Festus.—By Varro.—Descent in Male Line.—Marrying out of the Gens.—Rights and Obligations of the Members of a Gens.—Democratic Constitution of Ancient Latin Society.—Number of Persons in a Gens.

When the Latins, and their congeners the Sabellians, the Oscans and the Umbrians, entered the Italian peninsula probably as one people, they were in possession of domestic animals, and probably cultivated cereals and plants.282 At the least they[Pg 278] were well advanced in the Middle Status of barbarism; and when they first came under historical notice they were in the Upper Status, and near the threshold of civilization.

The traditionary history of the Latin tribes, prior to the time of Romulus, is much more scanty and imperfect than that of the Grecian, whose earlier relative literary culture and stronger literary proclivities enabled them to preserve a larger proportion of their traditionary accounts. Concerning their anterior experience, tradition did not reach beyond their previous life on the Alban hills, and the ranges of the Appenines eastward from the site of Rome. For tribes so far advanced in the arts of life it would have required a long occupation of Italy to efface all knowledge of the country from which they came. In the time of Romulus283 they had already fallen by segmentation into thirty independent tribes, still united in a loose confederacy for mutual protection. They also occupied contiguous territorial areas. The Sabellians, Oscans, and Umbrians were in the same general condition; their respective tribes were in the same relations; and their territorial circumscriptions, as might have been expected, were founded upon dialect. All alike, including their northern neighbors the Etruscans, were organized in gentes, with institutions similar to those of the Grecian tribes. Such was their general condition when they first emerged from behind the dark curtain of their previous obscurity, and the light of history fell upon them.

Roman history has touched but slightly the particulars of a vast experience anterior to the founding of Rome (about 753 [Pg 279] B. C.). The Italian tribes had then become numerous and populous; they had become strictly agricultural in their habits, possessed flocks and herds of domestic animals, and had made great progress in the arts of life. They had also attained the monogamian family. All this is shown by their condition when first made known to us; but the particulars of their progress from a lower to a higher state had, in the main, fallen out of knowledge. They were backward in the growth of the idea of government; since the confederacy of tribes was still the full extent of their advancement. Although the thirty tribes were

confederated, it was in the nature of a league for mutual defense, and neither sufficiently close or intimate to tend to a nationality.

The Etruscan tribes were confederated; and the same was probably true of the Sabellian, Oscan and Umbrian tribes. While the Latin tribes possessed numerous fortified towns and country strongholds, they were spread over the surface of the country for agricultural pursuits, and for the maintenance of their flocks and herds. Concentration and coalescence had not occurred to any marked extent until the great movement ascribed to Romulus which resulted in the foundation of Rome. These loosely united Latin tribes furnished the principal materials from which the new city was to draw its strength. The accounts of these tribes from the time of the supremacy of the chiefs of Alba down to the time of Servius Tullius, were made up to a great extent of fables and traditions; but certain facts remained in the institutions and social usages transmitted to the historical period which tend, in a remarkable manner, to illustrate their previous condition. They are even more important than an outline history of actual events.

Among the institutions of the Latin tribes existing at the commencement of the historical period were the gentes, curiæ and tribes upon which Romulus and his successors established the Roman power. The new government was not in all respects a natural growth; but modified in the upper members of the organic series by legislative procurement. The gentes, however, which formed the basis of the organization, were natural growths, and in the main either of common or cognate lin[Pg 280]eage. That is, the Latin gentes were of the same lineage, while the Sabine and other gentes, with the exception of the Etruscans, were of cognate descent. In the time of Tarquinius Priscus, the fourth in succession from Romulus, the organization had been brought to a numerical scale, namely: ten gentes to a curia, ten curiæ to a tribe, and three tribes of the Romans; giving a total of three hundred gentes integrated in one gentile society.

Romulus had the sagacity to perceive that a confederacy of tribes, composed of gentes and occupying separate areas, had neither the unity of purpose nor sufficient strength to accomplish more than the maintenance of an independent existence. The tendency to disintegration counteracted the advantages of the federal principle. Concentration and coalescence were the remedy proposed by Romulus and the wise men of his time. It was a remarkable movement for the period, and still more remarkable in its progress from the epoch of Romulus to the institution of political society

under Servius Tullius. Following the course of the Athenian tribes and concentrating in one city, they wrought out in five generations a similar and complete change in the plan of government, from a gentile into a political organization.

It will be sufficient to remind the reader of the general facts that Romulus united upon and around the Palatine Hill a hundred Latin gentes, organized as a tribe, the Ramnes; that by a fortunate concurrence of circumstances a large body of Sabines were added to the new community whose gentes, afterwards increased to one hundred, were organized as a second tribe, the Tities; and that in the time of Tarquinius Priscus a third tribe, the Luceres, had been formed, composed of a hundred gentes drawn from surrounding tribes, including the Etruscans. Three hundred gentes, in about the space of a hundred years, were thus gathered at Rome, and completely organized under a council of chiefs now called the Roman Senate, an assembly of the people now called the *comitia curiata*, and one military commander, the *rex*; and with one purpose, that of gaining a military ascendency in Italy. Under the constitution of Romulus, and the subsequent leg[Pg 281]islation of Servius Tullius, the government was essentially a military democracy, because the military spirit predominated in the government. But it may be remarked in passing that a new and antagonistic element, the Roman senate, was now incorporated in the centre of the social system, which conferred patrician rank upon its members and their posterity. A privileged class was thus created at a stroke, and intrenched first in the gentile and afterwards in the political system, which ultimately overthrew the democratic principles inherited from the gentes. It was the Roman senate, with the patrician class it created, that changed the institutions and the destiny of the Roman people, and turned them from a career, analogous to that of the Athenians, to which their inherited principles naturally and logically tended.

In its main features the new organization was a masterpiece of wisdom for military purposes. It soon carried them entirely beyond the remaining Italian tribes, and ultimately into supremacy over the entire peninsula.

The organization of the Latin and other Italian tribes into gentes has been investigated by Niebuhr, Hermann, Mommsen, Long and others; but their several accounts fall short of a clear and complete exposition of the structure and principles of the Italian gens. This is due in part to the obscurity in which portions of the subject are enveloped, and to the absence

of minute details in the Latin writers. It is also in part due to a misconception, by some of the first named writers, of the relations of the family to the gens. They regard the gens as composed of families, whereas it was composed of parts of families; so that the gens and not the family was the unit of the social system. It may be difficult to carry the investigation much beyond the point where they have left it; but information drawn from the archaic constitution of the gens may serve to elucidate some of its characteristics which are now obscure.

Concerning the prevalence of the organization into gentes among the Italian tribes, Niebuhr remarks as follows: "Should any one still contend that no conclusion is to be drawn from the character of the Athenian gennē**tes to that of the Roman gentiles, he will be bound to show how an institution which[Pg 282] runs through the whole ancient world came to have a completely different character in Italy and in Greece.... Every body of citizens was divided in this manner; the Gephyræans and Salaminians as well as the Athenians, the Tusculans as well as the Romans."284

Besides the existence of the Roman gens, it is desirable to know the nature of the organization; its rights, privileges and obligations, and the relations of the gentes to each other, as members of a social system. After these have been considered, their relations to the curiæ, tribes, and resulting people of which they formed a part, will remain for consideration in the next ensuing chapter.

After collecting the accessible information from various sources upon these subjects it will be found incomplete in many respects, leaving some of the attributes and functions of the gens a matter of inference. The powers of the gentes were withdrawn, and transferred to new political bodies before historical composition among the Romans had fairly commenced. There was, therefore, no practical necessity resting upon the Romans for preserving the special features of a system substantially set aside. Gaius, who wrote his *Institutes* in the early part of the second century of our era, took occasion to remark that the whole *jus gentilicium* had fallen into desuetude, and that it was then superfluous to treat the subject.285 But at the foundation of Rome, and for several centuries thereafter, the gentile organization was in vigorous activity.

The Roman definition of a gens and of a gentilis, and the line in which descent was traced should be presented before the characteristics of the

gens are considered. In the *Topics* of Cicero a gentilis is defined as follows: Those are gentiles who are of the same name among themselves. This is insufficient. Who were born of free parents. Even that is not sufficient. No one of whose ancestors has been a slave. Something still is wanting. Who have never suffered capital[Pg 283] diminution. This perhaps may do; for I am not aware that Scaevola, the Pontiff, added anything to this definition.286 There is one by Festus: "A gentilis is described as one both sprung from the same stock, and who is called by the same name."287 Also by Varro: As from an Aemilius men are born Aemilii, and gentiles; so from the name Aemilius terms are derived pertaining to gentilism.288

Cicero does not attempt to define a gens, but rather to furnish certain tests by which the right to the gentile connection might be proved, or the loss of it be detected. Neither of these definitions show the composition of a gens; that is, whether all, or a part only, of the descendants of a supposed genarch were entitled to bear the gentile name; and, if a part only, what part. With descent in the male line the gens would include those only who could trace their descent though males exclusively; and if in the female line, then through females only. If limited to neither, then all the descendants would be included. These definitions must have assumed that descent in the male line was a fact known to all. From other sources it appears that those only belonged to the gens who could trace their descent through its male members. Roman genealogies supply this proof. Cicero omitted the material fact that those were gentiles who could trace their descent through males exclusively from an acknowledged ancestor within the gens. It is in part supplied by Festus and Varro. From an Aemilius, the latter remarks, men are born Aemilii, and gentiles; each must be born of a male bearing the gentile name. But Cicero's definition also shows that a gentilis must bear the gentile name.

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In the address of the Roman tribune Canuleius (445 B. C.), on his proposition to repeal an existing law forbidding intermarriage between patricians and plebeians, there is a statement implying descent in the male line. For what else is there in the matter, he remarks, if a patrician man shall wed a plebeian woman, or a plebeian man a patrician woman? What right in the end is thereby changed? The children surely follow the father, (*nempe patrem sequuntur liberi*.)289

A practical illustration, derived from transmitted gentile names, will show conclusively that descent was in the male line. Julia, the sister of Caius Julius Caesar, married Marcus Attius Balbus. Her name shows that she belonged to the Julian gens.290 Her daughter Attia, according to custom, took the gentile name of her father and belonged to the Attian gens. Attia married Caius Octavius, and became the mother of Caius Octavius, the first Roman emperor. The son, as usual, took the gentile name of his father, and belonged to the Octavian gens.291 After becoming emperor he added the names Caesar Augustus.

In the Roman gens descent was in the male line from Augustus back to Romulus, and for an unknown period back of the latter. None were gentiles except such as could trace their descent through males exclusively from some acknowledged ancestor within the gens. But it was unnecessary, because impossible, that all should be able to trace their descent from the same common ancestor; and much less from the eponymous ancestor.

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It will be noticed that in each of the above cases, to which a large number might be added, the persons married out of the gens. Such was undoubtedly the general usage by customary law.

The Roman gens was individualized by the following rights, privileges and obligations:

I. *Mutual rights of succession to the property of deceased gentiles.*
II. *The possession of a common burial place.*
III. *Common religious rites; sacra gentilicia.*
IV. *The obligation not to marry in the gens.*
V. *The possession of lands in common.*
VI. *Reciprocal obligations of help, defense, and redress of injuries.*
VII. *The right to bear the gentile name.*
VIII. *The right to adopt strangers into the gens.*
IX. *The right to elect and depose its chiefs; query.*

These several characteristics will be considered in the order named.

I. *Mutual rights of succession to the property of deceased gentiles.*

When the law of the Twelve Tables was promulgated (451 B. C.), the ancient rule, which presumptively distributed the inheritance among the gentiles, had been superseded by more advanced regulations. The estate of an intestate now passed, first, to his *sui heredes*, that is, to his children; and, in default of children, to his lineal descendants through males.292 The

living children took equally, and the children of deceased sons took the share of their father equally. It will be noticed that the inheritance remained in the gens; the children of the female descendants of the intestate, who belonged to other gentes, being excluded. Second, if there were no *sui heredes*, by the same law, the inheritance then passed to the agnates.293
The agnatic kindred comprised all those persons who could trace their descent through males from the same common ancestor with the intestate. In virtue of such a descent they all bore the same[Pg 286] gentile name, females as well as males, and were nearer in degree to the decedent than the remaining gentiles. The agnates nearest in degree had the preference; first, the brothers and unmarried sisters; second, the paternal uncles and unmarried aunts of the intestate, and so on until the agnatic relatives were exhausted. Third, if there were no agnates of the intestate, the same law called the gentiles to the inheritance.294 This seems at first sight remarkable; because the children of the intestate's sisters were excluded from the inheritance, and the preference given to gentile kinsmen so remote that their relationship to the intestate could not be traced at all, and only existed in virtue of an ancient lineage preserved by a common gentile name. The reason, however, is apparent; the children of the sisters of the intestate belonged to another gens, and the gentile right predominated over greater nearness of consanguinity, because the principle which retained the property in the gens was fundamental. It is a plain inference from the law of the Twelve Tables that inheritance began in the inverse order, and that the three classes of heirs represent the three successive rules of inheritance; namely: first, the gentiles; second, the agnates, among whom were the children of the decedent after descent was changed to the male line; and third, the children, to the exclusion of the remaining agnates.
A female, by her marriage, suffered what was technically called a loss of franchise or capital diminution (*deminutio capitis*), by which she forfeited her agnatic rights. Here again the reason is apparent. If after her marriage she could inherit as an agnate it would transfer the property inherited from her own gens to that of her husband. An unmarried sister could inherit, but a married sister could not.
With our knowledge of the archaic principles of the gens, we are enabled to glance backward to the time when descent in the Latin gens was in the female line, when property was inconsiderable, and distributed among the

gentiles; not necessarily within the life-time of the Latin gens, for its existence reached back of the period of their occupation of Italy. That the Roman gens had passed from the archaic into its historical[Pg 287] form is partially indicated by the reversion of property in certain cases to the gentiles.295

"The right of succeeding to the property of members who died without kin and intestate," Niebuhr remarks, "was that which lasted the longest; so long indeed, as to engage the attention of the jurists, and even—though assuredly not as anything more than a historical question—that of Gaius, the manuscript of whom is unfortunately illegible in this part."296

II. *A common burial place.*

The sentiment of gentilism seems to have been stronger in the Upper Status of barbarism than in earlier conditions, through a higher organization of society, and through mental and moral advancement. Each gens usually had a burial place for the exclusive use of its members as a place of sepulture. A few illustrations will exhibit Roman usages with respect to burial.

Appius Claudius, the chief of the Claudian gens, removed from Regili, a town of the Sabines, to Rome in the time of Romulus, where in due time he was made a senator, and thus a patrician. He brought with him the Claudian gens, and such a number of clients that his accession to Rome was regarded as an important event. Suetonius remarks that the gens received from the state lands upon the Anio for their clients, and

.[Pg 288] a burial place for themselves near the capitol.297 This statement seems to imply that a common burial place was, at that time, considered indispensable to a gens. The Claudii, having abandoned their Sabine connection and identified themselves with the Roman people, received both a grant of lands and a burial place for the gens, to place them in equality of condition with the Roman gentes. The transaction reveals a custom of the times.

The family tomb had not entirely superseded that of the gens in the time of Julius Caesar, as was illustrated by the case of Quintilius Varus, who, having lost his army in Germany, destroyed himself, and his body fell into the hands of the enemy. The half-burned body of Varus, says Paterculus, was mangled by the savage enemy; his head was cut off, and brought to Maroboduus, and by him having been sent to Caesar, was at length honored with burial in the gentile sepulchre.298

In his treatise on the laws, Cicero refers to the usages of his own times in respect to burial in the following language: now the sacredness of burial places is so great that it is affirmed to be wrong to perform the burial independently of the sacred rites of the gens. Thus in the time of our ancestors A. Torquatus decided respecting the Popilian gens.299 The purport of the statement is that it was a religious duty to bury the dead with sacred rites, and when possible in land belonging to the gens. It further appears that cremation and inhumation were both practiced prior to the promulgation of the Twelve Tables, which prohibited the burying or burning of dead bodies within the city.300 The columbarium, which would usually accommodate several hundred urns, was eminently adapted to the uses of a gens. In the time of Cicero the gentile organization had fallen into decadence, but certain usages peculiar to it had remained,[Pg 289] and that respecting a common burial place among the number. The family tomb began to take the place of that of the gens, as the families in the ancient gentes rose into complete autonomy; nevertheless, remains of ancient gentile usages with respect to burial manifested themselves in various ways, and were still fresh in the history of the past.

III. *Common sacred rites; sacra gentilicia.*

The Roman *sacra* embody our idea of divine worship, and were either public or private. Religious rites performed by a gens were called *sacra privata*, or *sacra gentilicia*. They were performed regularly at stated periods by the gens.301 Cases are mentioned in which the expenses of maintaining these rites had become a burden in consequence of the reduced numbers in the gens. They were gained and lost by circumstances, *e. g.*, adoption or marriage.302 "That the members of the Roman gens had common sacred rites," observes Niebuhr, "is well known; there were sacrifices appointed for stated days and places."303 The sacred rites, both public and private, were under pontifical regulation exclusively, and not subject to civil cognizance.304

The religious rites of the Romans seem to have had their primary connection with the gens rather than the family. A college of pontiffs, of curiones, and of augurs, with an elaborate system of worship under these priesthoods, in due time grew into form and became established; but the system was tolerant and free. The priesthood was in the main elective.305 The head of every family also was the priest of the household.306 The

gentes of the Greeks and Romans were the fountains from which flowed the stupendous mythology of the classical world.

In the early days of Rome many gentes had each their own sacellum for the performance of their religious rites. Several gentes had each special sacrifices to perform, which had been[Pg 290] transmitted from generation to generation, and were regarded as obligatory; as those of the Nautii to Minerva, of the Fabii to Hercules, and of the Horatii in expiation of the sororicide committed by Horatius.307 It is sufficient for my purpose to have shown generally that each gens had its own religious rites as one of the attributes of the organization.

IV. *The obligation not to marry in the gens.*

Gentile regulations were customs having the force of law. The obligation not to marry in the gens was one of the number. It does not appear to have been turned, at a later day, into a legal enactment; but evidence that such was the rule of the gens appears in a number of ways. The Roman genealogies show that marriage was out of the gens, of which instances have been given. This, as we have seen, was the archaic rule for reasons of consanguinity. A woman by her marriage forfeited her agnatic rights, to which rule there was no exception. It was to prevent the transfer of property by marriage from one gens to another, from the gens of her birth to the gens of her husband. The exclusion of the children of a female from all rights of inheritance from a maternal uncle or maternal grandfather, which followed, was for the same reason. As the female was required to marry out of her gens her children would be of the gens of their father, and there could be no privity of inheritance between members of different gentes.

V. *The possession of lands in common.*

The ownership of lands in common was so general among barbarous tribes that the existence of the same tenure among the Latin tribes is no occasion for surprise. A portion of their lands seems to have been held in severalty by individuals from a very early period. No time can be assigned when this was not the case; but at first it was probably the possessory right to lands in actual occupation, so often before referred to, which was recognized as far back as the Lower Status of barbarism.

Among the rustic Latin tribes, lands were held in common by each tribe, other lands by the gentes, and still other by households.

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Allotments of lands to individuals became common at Rome in the time of Romulus, and afterwards quite general. Varro and Dionysius both state that Romulus allotted two jugera (about two and a quarter acres) to each man.308 Similar allotments are said to have been afterwards made by Numa and Servius Tullius. They were the beginnings of absolute ownership in severalty, and presuppose a settled life as well as a great advancement in intelligence. It was not only admeasured but granted by the government, which was very different from a possessory right in lands growing out of an individual act. The idea of absolute individual ownership of land was a growth through experience, the complete attainment of which belongs to the period of civilization. These lands, however, were taken from those held in common by the Roman people. Gentes, curiæ and tribes held certain lands in common after civilization had commenced, beyond those held by individuals in severalty.

Mommsen remarks that "the Roman territory was divided in the earliest times into a number of clan-districts, which were subsequently employed in the formation of the earliest rural wards (*tribus rusticæ*).... These names are not, like those of the districts added at a later period, derived from the localities, but are formed without exception from the names of the clans."309 Each gens held an independent district, and of necessity was localized upon it. This was a step in advance, although it was the prevailing practice not only in the rural districts, but also in Rome, for the gentes to localize in separate areas. Mommsen further observes: "As each household had its own portion of land, so the clan-household or village, had clan-lands belonging to it, which, as will afterwards be shown, were managed up to a comparatively late period after the analogy of house-lands, that is, on the system of joint possession.... These clanships, however, were from the beginning regarded not as independent societies, but as integral parts of a[Pg 292] political community (*civitas populi*). This first presents itself as an aggregate of a number of clan-villages of the same stock, language and manners, bound to mutual observance of law and mutual legal redress and to united action in aggression and defense."310 Clan is here used by Mommsen, or his translator, in the place of gens, and elsewhere canton is used in the place of tribe, which are the more singular since the Latin language furnishes specific terms for these organizations which have become historical. Mommsen represents the Latin tribes anterior to the

founding of Rome as holding lands by households, by gentes and by tribes; and he further shows the ascending series of social organizations in these tribes; a comparison of which with those of the Iroquois, discloses their close parallelism, namely, the gens, tribe and confederacy.311 The phratry is not mentioned although it probably existed. The household referred to could scarcely have been a single family. It is not[Pg 293] unlikely that it was composed of related families who occupied a joint-tenement house, and practiced communism in living in the household.

VI. *Reciprocal obligations of help, defense and redress of injuries.*

During the period of barbarism the dependence of the gentiles upon each other for the protection of personal rights would be constant; but after the establishment of political society, the gentilis, now a citizen, would turn to the law and to the state for the protection before administered by his gens. This feature of the ancient system would be one of the first to disappear under the new. Accordingly but slight references to these mutual obligations are found in the early authors. It does not follow, however, that the gentiles did not practice these duties to each other in the previous period; on the contrary, the inference that they did is a necessary one from the principles of the gentile organization. Remains of these special usages appear, under special circumstances, well down in the historical period. When Appius Claudius was cast into prison (about 432 B. C.), Caius Claudius, then at enmity with him, put on mourning, as well as the whole Claudian gens.312 A calamity or disgrace falling upon one member of the body was felt and shared by all. During the second Punic war, Niebuhr remarks, "the gentiles united to ransom their fellows who were in captivity, and were forbidden to do it by the senate. This obligation is an essential characteristic of the gens."313 In the case of Camillus, against whom a tribune had lodged an accusation on account of the Veientian spoil, he summoned to his house before the day appointed for his trial his tribesmen and clients to ask their advice, and he received for an answer that they would collect whatever sum he was condemned to pay; but to clear him was impossible.314 The active principle of gentilism is plainly illustrated in these cases. Niebuhr further remarks that the obliga[Pg 294]tion to assist their indigent gentiles rested on the members of Roman gens.315

VII. *The right to bear the gentile name.*

This followed necessarily from the nature of the gens. All such persons as were born sons or daughters of a male member of the gens were themselves members, and of right entitled to bear the gentile name. In the lapse of time it was found impossible for the members of a gens to trace their descent back to the founder, and, consequently, for different families within the gens to find their connection through a later common ancestor. Whilst this inability proved the antiquity of the lineage, it was no evidence that these families had not sprung from a remote common ancestor. The fact that persons were born in the gens, and that each could trace his descent through a series of acknowledged members of the gens, was sufficient evidence of gentile descent, and strong evidence of the blood connection of all the gentiles. But some investigators, Niebuhr among the number,316 have denied the existence of any blood relationship between the families in a gens, since they could not show a connection through a common ancestor. This treats the gens as a purely fictitious organization, and is therefore untenable. Niebuhr's inference against a blood connection from Cicero's definition is not sustainable. If the right of a person to bear the gentile name were questioned, proof of the right would consist, not in tracing his descent from the genarch, but from a number of acknowledged ancestors within the gens. Without written records the number of generations through which a pedigree might be traced would be limited. Few families in the same gens might not be able to find a common ancestor, but it would not follow that they were not of common descent from some remote ancestor within the gens.317

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After descent was changed to the male line the ancient names of the gentes, which not unlikely were taken from animals,318 or inanimate objects, gave place to personal names. Some individual, distinguished in the history of the gens, became its eponymous ancestor, and this person, as elsewhere suggested, was not unlikely superseded by another at long intervals of time. When a gens divided in consequence of separation in area, one division would be apt to take a new name; but such a change of name would not disturb the kinship upon which the gens was founded. When it is considered that the lineage of the Roman gentes, under changes of names, ascended to the time when the Latins, Greeks and the Sanskrit speaking people of India were one people, without reaching its source, some conception of its

antiquity may be gained. The loss of the gentile name at any time by any individual was the most improbable of all occurrences; consequently its possession was the highest evidence that he shared with his gentiles the same ancient lineage. There was one way, and but one, of adulterating gentile descent, namely: by the adoption of strangers in blood into the gens. This practice prevailed, but the extent of it was small. If Neibuhr had claimed that the blood relationship of the gentiles had become attenuated by lapse of time to an inappreciable quantity between some of them, no objection could be taken to his position; but a denial of all relationship which turns the gens into a fictitious aggregation of persons, without any bond of union, controverts the principle upon which the gens came into existence, and which perpetuated it through three entire ethnical periods. Elsewhere I have called attention to the fact that the gens came in with a system of consanguinity which reduced all consanguinei to a small number of categories, and retained their descendants indefinitely in the same. The relationships of persons were easily traced, no matter how remote their actual[Pg 296] common ancestor. In an Iroquois gens of five hundred persons, all its members are related to each other and each person knows or can find his relationship to every other; so that the fact of kin was perpetually present in the gens of the archaic period. With the rise of the monogamian family, a new and totally different system of consanguinity came in, under which the relationships between collaterals soon disappeared. Such was the system of the Latin and Grecian tribes at the commencement of the historical period. That which preceded it was, presumptively at least, Turanian, under which the relationships of the gentiles to each other would have been known.

After the decadence of the gentile organization commenced, new gentes ceased to form by the old process of segmentation; and some of those existing died out. This tended to enhance the value of gentile descent as a lineage. In the times of the empire, new families were constantly establishing themselves in Rome from foreign parts, and assuming gentile names to gain social advantages. This practice being considered an abuse, the Emperor Claudius (A. D. 40-54), prohibited foreigners from assuming Roman names, especially those of the ancient gentes.319 Roman families, belonging to the historical gentes, placed the highest value upon their lineages both under the republic and the empire.

All the members of a gens were free, and equal in their rights and privileges, the poorest as well as the richest, the distinguished as well as the obscure; and they shared equally in whatever dignity the gentile name conferred which they inherited as a birthright. Liberty, equality and fraternity were cardinal principles of the Roman gens, not less certainly than of the Grecian, and of the American Indian.

VIII. *The right of adopting strangers in blood into the gens.*

In the times of the republic, and also of the empire, adoption into the family, which carried the person into the gens of the family, was practiced; but it was attended with formalities which rendered it difficult. A person who had no children, and who was past the age to expect them, might adopt a son[Pg 297] with the consent of the pontifices, and of the *comitia curiata*. The college of pontiffs were entitled to be consulted lest the sacred rites of the family, from which the adopted person was taken, might thereby be impaired;320 as also the assembly, because the adopted person would receive the gentile name, and might inherit the estate of his adoptive father. From the precautions which remained in the time of Cicero, the inference is reasonable that under the previous system, which was purely gentile, the restrictions must have been greater and the instances rare. It is not probable that adoption in the early period was allowed without the consent of the gens, and of the curia to which the gens belonged; and if so, the number adopted must have been limited. Few details remain of the ancient usages with respect to adoption.

IX. *The right of electing and deposing its chiefs; query.*

The incompleteness of our knowledge of the Roman gentes is shown quite plainly by the absence of direct information with respect to the tenure of the office of chief (*princeps*). Before the institution of political society each gens had its chief, and probably more than one. When the office became vacant it was necessarily filled, either by the election of one of the gentiles, as among the Iroquois, or taken by hereditary right. But the absence of any proof of hereditary right, and the presence of the elective principle with respect to nearly all offices under the republic, and before that, under the *reges*, leads to the inference that hereditary right was alien to the institutions of the Latin tribes. The highest office, that of rex, was elective, the office of senator was elective or by appointment, and that of consuls and of inferior magistrates. It varied with respect to the college of pontiffs

instituted by Numa. At first the pontiffs themselves filled vacancies by election. Livy speaks of the election of a *pontifex maximus* by the *comitia* about 212 B. C.321 By the *lex Domitia* the right to elect the members of the several colleges of pontiffs and of priests was transferred to the people, but the law was subsequently modified by Sulla.322
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The active presence of the elective principle among the Latin gentes when they first come under historical notice, and from that time through the period of the republic, furnishes strong grounds for the inference that the office of chief was elective in tenure. The democratic features of their social system, which present themselves at so many points, were inherited from the gentes. It would require positive evidence that the office of chief passed by hereditary right to overcome the presumption against it. The right to elect carries with it the right to depose from office, where the tenure is for life.
These chiefs, or a selection from them, composed the council of the several Latin tribes before the founding of Rome, which was the principal instrument of government. Traces of the three powers co-ordinated in the government appear among the Latin tribes as they did in the Grecian, namely: the council of chiefs, the assembly of the people, to which we must suppose the more important public measures were submitted for adoption or rejection, and the military commander. Mommsen remarks that "All of these cantons [tribes] were in primitive times politically sovereign, and each of them was governed by its prince, and the co-operation of the council of elders, and the assembly of the warriors."323 The order of Mommsen's statement should be reversed, and the statement qualified. This council, from its functions and from its central position in their social system, of which it was a growth, held of necessity the supreme power in civil affairs. It was the council that governed, and not the military commander. "In all the cities belonging to civilized nations on the coasts of the Mediterranean," Niebuhr observes, "a senate was a no less essential and indispensable part of the state, than a popular assembly; it was a select body of elder citizens; such a council, says Aristotle, there always is, whether the council be aristocratical or democratical; even in oligarchies, be the number of sharers in the sovereignty ever so small, certain councilors are appointed for preparing public measures."324 The senate of political society

succeeded the council of chiefs of gentile society. Romulus formed the first Roman senate of a hundred elders; and as[Pg 299] there were then but a hundred gentes, the inference is substantially conclusive that they were the chiefs of these gentes. The office was for life, and non-hereditary; whence the final inference, that the office of chief was at the time elective. Had it been otherwise there is every probability that the Roman senate would have been instituted as an hereditary body. Evidence of the essentially democratic constitution of ancient society meets us at many points, which fact has failed to find its way into the modern historical expositions of Grecian and Roman gentile society.

With respect to the number of persons in a Roman gens, we are fortunately not without some information. About 474 B. C. the Fabian gens proposed to the senate to undertake the Veientian war as a gens, which they said required a constant rather than a large force.325 Their offer was accepted, and they marched out of Rome three hundred and six soldiers, all patricians, amid the applause of their countrymen.326 After a series of successes they were finally cut off to a man through an ambuscade. But they left behind them at Rome a single male under the age of puberty, who alone remained to perpetuate the Fabian gens.327 It seems hardly credible that three hundred should have left in their families but a single male child, below the age of puberty, but such is the statement. This number of persons would indicate an equal number of females, who, with the children of the males, would give an aggregate of at least seven hundred members of the Fabian gens.

Although the rights, obligations and functions of the Roman gens have been inadequately presented, enough has been adduced to show that this organization was the source of their social, governmental and religious activities. As the unit of their social system it projects its character upon the higher organizations into which it entered as a constituent. A much fuller knowledge of the Roman gens than we now possess is essential to a full comprehension of Roman institutions in their origin and development.

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CHAPTER XII. - THE ROMAN CURIA, TRIBE AND POPULUS.

Roman Gentile Society.—Four Stages of Organization—1. The Gens; 2. The Curia, consisting of Ten Gentes; 3. The Tribe, composed of Ten Curiæ; 4. The Populus Romanus, composed of Three Tribes.—Numerical Proportions—How Produced.—Concentration of Gentes at Rome.—The Roman Senate.—Its Functions.—The Assembly of the People.—Its Powers.—The People Sovereign.—Office of Military Commander (Rex).—Its Powers and Functions.—Roman Gentile Institutions essentially Democratical.

Having considered the Roman gens, it remains to take up the curia composed of several gentes, the tribe composed of several curiæ, and lastly the Roman people composed of several tribes. In pursuing the subject the inquiry will be limited to the constitution of society as it appeared from the time of Romulus to that of Servius Tullius, with some notice of the changes which occurred in the early period of the republic while the gentile system was giving way, and the new political system was being established.

It will be found that two governmental organizations were in existence for a time, side by side, as among the Athenians, one going out and the other coming in. The first was a society (*societas*), founded upon the gentes; and the other a state (*civitas*), founded upon territory and upon property, which was gradually supplanting the former. A government in a transitional stage is necessarily complicated, and therefore difficult to be understood. These changes were not violent but gradual, commencing with Romulus and substantially complet[Pg 301]ed, though not perfected, by Servius Tullius; thus embracing a supposed period of nearly two hundred years, crowded with events of great moment to the infant commonwealth. In order to follow the history of the gentes to the overthrow of their influence in the state it will be necessary, after considering the curia, tribe and nation, to explain briefly the new political system. The last will form the subject of the ensuing chapter.

Gentile society among the Romans exhibits four stages of organization: first, the gens, which was a body of consanguinei and the unit of the social system; second, the curia, analogous to the Grecian phratry, which consisted of ten gentes united in a higher corporate body; third, the tribe, consisting of ten curiæ, which possessed some of the attributes of a nation under gentile institutions; and fourth, the Roman people (*Populus Romanus*), consisting, in the time of Tullus Hostilius, of three such tribes

united by coalescence in one gentile society, embracing three hundred gentes. There are facts warranting the conclusion that all the Italian tribes were similarly organized at the commencement of the historical period; but with this difference, perhaps, that the Roman curia was a more advanced organization than the Grecian phratry, or the corresponding phratry of the remaining Italian tribes; and that the Roman tribe, by constrained enlargement, became a more comprehensive organization than in the remaining Italian stocks. Some evidence in support of these statements will appear in the sequel.

Before the time of Romulus the Italians, in their various branches, had become a numerous people. The large number of petty tribes, into which they had become subdivided, reveals that state of unavoidable disintegration which accompanies gentile institutions. But the federal principle had asserted itself among the other Italian tribes as well as the Latin, although it did not result in any confederacy that achieved important results. Whilst this state of things existed, that great movement ascribed to Romulus occurred, namely: the concentration of a hundred Latin gentes on the banks of the Tiber, which was followed by a like gathering of Sabine, Latin and Etruscan and other gentes, to the additional number of two hundred, ending[Pg 302] in their final coalescence into one people. The foundations of Rome were thus laid, and Roman power and civilization were to follow. It was this consolidation of gentes and tribes under one government, commenced by Romulus and completed by his successors, that prepared the way for the new political system—for the transition from a government based upon persons and upon personal relations, into one based upon territory and upon property.

It is immaterial whether either of the seven so-called kings of Rome were real or mythical persons, or whether the legislation ascribed to either of them is fabulous or true, so far as this investigation is concerned: because the facts with respect to the ancient constitution of Latin society remained incorporated in Roman institutions, and thus came down to the historical period. It fortunately so happens that the events of human progress embody themselves, independently of particular men, in a material record, which is crystallized in institutions, usages and customs, and preserved in inventions and discoveries. Historians, from a sort of necessity, give to individuals great prominence in the production of events; thus placing persons, who are transient, in the place of principles, which are enduring. The work of

society in its totality, by means of which all progress occurs, is ascribed far too much to individual men, and far too little to the public intelligence. It will be recognized generally that the substance of human history is bound up in the growth of ideas, which are wrought out by the people and expressed in their institutions, usages, inventions and discoveries.

The numerical adjustment, before adverted to, of ten gentes to a curia, ten curiæ to a tribe, and three tribes of the Roman people, was a result of legislative procurement not older, in the first two tribes, than the time of Romulus. It was made possible by the accessions gained from the surrounding tribes, by solicitation or conquest; the fruits of which were chiefly incorporated in the Tities and Luceres, as they were successively formed. But such a precise numerical adjustment could not be permanently maintained through centuries, especially with respect to the number of gentes in each curia.

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We have seen that the Grecian phratry was rather a religious and social than a governmental organization. Holding an intermediate position between the gens and the tribe, it would be less important than either, until governmental functions were superadded. It appears among the Iroquois in a rudimentary form, its social as distinguished from its governmental character being at that early day equally well marked. But the Roman curia, whatever it may have been in the previous period, grew into an organization more integral and governmental than the phratry of the Greeks; more is known, however, of the former than of the latter. It is probable that the gentes comprised in each curia were, in the main, related gentes; and that their reunion in a higher organization was further cemented by intermarriages, the gentes of the same curia furnishing each other with wives.

The early writers give no account of the institution of the curia; but it does not follow that it was a new creation by Romulus. It is first mentioned as a Roman institution in connection with his legislation, the number of curiæ in two of the tribes having been established in his time. The organization, as a phratry, had probably existed among the Latin tribes from time immemorial.

Livy, speaking of the favor with which the Sabine women were regarded after the establishment of peace between the Sabines and Latins through their intervention, remarks that Romulus, for this reason, when he had

divided the people into thirty curiæ bestowed upon them their names.328 Dionysius uses the term phratry as the equivalent of curia, but gives the latter also (κουρία),329 and observes further, that Romulus divided the curiæ into decades, the ten in each being of course gentes.330 In like manner Plutarch refers to the fact that each tribe contained ten curiæ, which some say, he remarks, were called after[Pg 304] the Sabine women.331 He is more accurate in the use of language than Livy or Dionysius in saying that each tribe contained ten curiæ, rather than that each was divided into ten, because the curiæ were made of gentes as original unities, and not the gentes out of a curia by subdivision. The work performed by Romulus was the adjustment of the number of gentes in each curia, and the number of curiæ in each tribe, which he was enabled to accomplish through the accessions gained from the surrounding tribes. Theoretically each curia should have been composed of gentes derived by segmentation from one or more gentes, and the tribe by natural growth through the formation of more than one curia, each composed of gentes united by the bond of a common dialect. The hundred gentes of the Ramnes were Latin gentes. In their organization into ten curiæ, each composed of ten gentes, Romulus undoubtedly respected the bond of kin by placing related gentes in the same curia, as far as possible, and then reached numerical symmetry by arbitrarily taking the excess of gentes from one natural curia to supply the deficiency in another. The hundred gentes of the tribe Tities were, in the main, Sabine gentes. These were also arranged in ten curiæ, and most likely on the same principle. The third tribe, the Luceres, was formed later from gradual accessions and conquests. It was heterogeneous in its elements, containing, among others, a number of Etruscan gentes. They were brought into the same numerical scale of ten curiæ each composed of ten gentes. Under this re-constitution, while the gens, the unit of organization, remained pure and unchanged, the curia was raised above its logical level, and made to include, in some cases, a foreign element which did not belong to a strict natural phratry; and the tribe also was raised above its natural level, and made to embrace foreign elements that did not belong to a tribe as the tribe naturally grew. By this legislative constraint the tribes, with their curiæ and gentes, were made severally equal, while the third tribe was in good part an artificial creation under the[Pg 305] pressure of circumstances. The linguistic affiliations of the Etruscans are still a matter

of discussion. There is a presumption that their dialect was not wholly unintelligible to the Latin tribes, otherwise they would not have been admitted into the Roman social system, which at the time was purely gentile. The numerical proportions thus secured, facilitated the governmental action of the society as a whole.

Niebuhr, who was the first to gain a true conception of the institutions of the Romans in this period, who recognized the fact that the people were sovereign, that the so-called kings exercised a delegated power, and that the senate was based on the principle of representation, each gens having a senator, became at variance with the facts before him in stating in connection with this graduated scale, that "such numerical proportions are an irrefragible proof that the Roman houses [gentes]332 were not more ancient than the constitution; but corporations formed by a legislator in harmony with the rest of his scheme."333 That a small foreign element was forced into the curiæ of the second and third tribes, and particularly into the third, is undeniable; but that a gens was changed in its composition or reconstructed or made, was simply impossible. A legislator could not make a gens; neither could he make a curia, except by combining existing gentes around a nucleus of related gentes; but he might increase or decrease by constraint the number of gentes in a curia, and increase or decrease the number of curiæ in a tribe. Niebuhr has also shown that the gens was an ancient and universal organization among the Greeks and Romans, which renders his preceding declaration the more incomprehensible. Moreover it appears that the phratry was universal, at least among the Ionian Greeks, leaving it probable that the curia, perhaps under another name, was equally ancient among the Latin tribes. The numerical proportions referred to were no doubt the result of legislative procurement in the time of Romulus, and we have abundant evidence of the sources from[Pg 306] which the new gentes were obtained with which these proportions might have been produced.

The members of the ten gentes united in a curia were called *curiales* among themselves. They elected a priest, *curio*, who was the chief officer of the fraternity. Each curia had its sacred rites, in the observance of which the brotherhood participated; its *sacellum* as a place of worship, and its place of assembly where they met for the transaction of business. Besides the *curio*, who had the principal charge of their religious affairs, the *curiales* also

elected an assistant priest, *flamen curialis*, who had the immediate charge of these observances. The curia gave its name to the assembly of the gentes, the *comitia curiata* which was the sovereign power in Rome to a greater degree than the senate under the gentile system. Such, in general terms, was the organization of the Roman curia or phratry.334

Next in the ascending scale was the Roman tribe, composed of ten curiæ and a hundred gentes. When a natural growth, uninfluenced externally, a tribe would be an aggregation of such gentes as were derived by segmentation from an original gens or pair of gentes; all the members of which would speak[Pg 307] the same dialect. Until the tribe itself divided, by processes before pointed out, it would include all the descendants of the members of these gentes. But the Roman tribe, with which alone we are now concerned, was artificially enlarged for special objects and by special means, but the basis and body of the tribe was a natural growth.

Prior to the time of Romulus each tribe elected a chief officer whose duties were magisterial, military and religious.335 He performed in the city magisterial duties for the tribe, as well as administered its *sacra*, and he also commanded its military forces in the field.336 He was probably elected by the curiæ collected in a general assembly; but here again our information is defective. It was undoubtedly an ancient office in each Latin tribe, peculiar in character and held by an elective tenure. It was also the germ of the still higher office of *rex*, or general military commander, the functions of the two offices being similar. The tribal chiefs are styled by Dionysius leaders of the tribes (τριβῶν ἠγεμονίας).337 When the three Roman tribes had coalesced into one people, under one senate, one assembly of the people, and one military commander, the office of tribal chief was overshadowed and became less important; but the continued maintenance of the office by an elective tenure confirms the inference of its original popular character.

An assembly of the tribe must also have existed, from a remote antiquity. Before the founding of Rome each Italian tribe was practically independent, although the tribes were more or less united in confederate relations. As a self-governing body each of these ancient tribes had its council of chiefs (who were doubtless the chiefs of the gentes), its assembly of the people, and its chiefs who commanded its military bands. These three elements in the organization of the tribe; namely, the council, the tribal chief, and the

tribal assembly, were the types upon which were afterwards modeled the *Roman senate*, the *Roman rex*, and the *comitia curiata*. The tribal chief was in all probability called by the name[Pg 308] of *rex* before the founding of Rome; and the same remark is applicable to the name of senators (*senex*), and the *comitia* (*con-ire*). The inference arises, from what is known of the condition and organization of these tribes, that their institutions were essentially democratical. After the coalescence of the three Roman tribes, the national character of the tribe was lost in the higher organization; but it still remained as a necessary integer in the organic series.

The fourth and last stage of organization was the Roman nation or people, formed, as stated, by the coalescence of three tribes. Externally the ultimate organization was manifested by a senate (*senatus*), a popular assembly (*comitia curiata*), and a general military commander (*rex*). It was further manifested by a city magistracy, by an army organization, and by a common national priesthood of different orders.338

A powerful city organization was from the first the central idea of their governmental and military systems, to which all areas beyond Rome remained provincial. Under the military democracy of Romulus, under the mixed democratical and aristocratical organization of the republic, and under the later imperialism it was a government with a great city in its centre, a perpetual nucleus, to which all additions by conquest were added as increments, instead of being made, with the city, common constituents of the government. Nothing precisely like this Roman organization, this Roman power, and the career of the Roman race, has appeared in the experience of mankind. It will ever remain the marvel of the ages.

As organized by Romulus they styled themselves the Roman People (*Populus Romanus*), which was perfectly exact. They had formed a gentile society and nothing more. But the rapid increase of numbers in the time of Romulus, and the still greater increase between this period and that of Servius Tullius, demonstrated the necessity for a fundamental change in[Pg 309] the plan of government. Romulus and the wise men of his time had made the most of gentile institutions. We are indebted to his legislation for a grand attempt to establish upon the gentes a great national and military power; and thus for some knowledge of the character and structure of institutions which might otherwise have faded into obscurity, if they had not perished from remembrance. The rise of the Roman power upon gentile

institutions was a remarkable event in human experience. It is not singular that the incidents that accompanied the movement should have come to us tinctured with romance, not to say enshrouded in fable. Rome came into existence through a happy conception, ascribed to Romulus, and adopted by his successors, of concentrating the largest possible number of gentes in a new city, under one government, and with their united military forces under one commander. Its objects were essentially military, to gain a supremacy in Italy, and it is not surprising that the organization took the form of a military democracy.

Selecting a magnificent situation upon the Tiber, where, after leaving the mountain range it had entered the campagna, Romulus occupied the Palatine Hill, the site of an ancient fortress, with a tribe of the Latins of which he was the chief. Tradition derived his descent from the chiefs of Alba, which is a matter of secondary importance. The new settlement grew with marvelous rapidity, if the statement is reliable that at the close of his life the military forces numbered 46,000 foot and 1,000 horse, which would indicate some 200,000 people in the city and in the surrounding region under its protection. Livy remarks that it was an ancient device (*vetus consilium*) of the founders of cities to draw to themselves an obscure and humble multitude, and then set up for their progeny the autocthonic claim.339 Romulus pursuing this ancient policy is said to have opened an asylum near the Palatine, and to have invited all persons in the surrounding tribe, without regard to character or condition, to share with his tribes the advantages and the destiny of the new city. A great crowd of people, Livy further remarks, fled to this place from the surrounding territories, slave as well as free,[Pg 310] which was the first accession of foreign strength to the new undertaking.340 Plutarch,341 and Dionysius342 both refer to the asylum or grove, the opening of which, for the object and with the success named, was an event of probable occurrence. It tends to show that the people of Italy had then become numerous for barbarians, and that discontent prevailed among them in consequence, doubtless, of the imperfect protection of personal rights, the existence of domestic slavery, and the apprehension of violence. Of such a state of things a wise man would naturally avail himself if he possessed sufficient military genius to handle the class of men thus brought together. The next important event in this romantic narrative, of which the reader should be reminded, was the

assault of the Sabines to avenge the entrapment of the Sabine virgins, now the honored wives of their captors. It resulted in a wise accommodation under which the Latins and Sabines coalesced into one society, but each division retaining its own military leader. The Sabines occupied the Quirinal and Capitoline Hills. Thus was added the principal part of the second tribe, the Tities, under Titius Tatius their military chief. After the death of the latter they all fell under the military command of Romulus. Passing over Numa Pompilius, the successor of Romulus, who established upon a broader scale the religious institutions of the Romans, his successor, Tullus Hostilius, captured the Latin city of Alba and removed its entire population to Rome. They occupied the Cœlian Hill, with all the privileges of Roman citizens. The number of citizens was now doubled, Livy remarks;343 but not likely from this source exclusively. Ancus Martius, the successor of Tullus, captured the Latin city of Politorium, and following the established policy, transferred the people bodily to Rome.344 To them was assigned the Aventine Hill, with similar privileges. Not long afterwards the inhabitants of Tellini and Ficana were subdued and removed to Rome, where they also[Pg 311] occupied the Aventine.345 It will be noticed that in each case the gentes brought to Rome, as well as the original Latin and Sabine gentes, remained locally distinct. It was the universal usage in gentile society, both in the Middle and in the Upper Status of barbarism, when the tribes began to gather in fortresses and in walled cities, for the gentes to settle locally together by gentes and by phratries.346 Such was the manner the gentes settled at Rome. The greater portion of these accessions were united in the third tribe, the Luceres, which gave it a broad basis of Latin gentes. It was not entirely filled until the time of Tarquinius Priscus, the fourth military leader from Romulus, some of the new gentes being Etruscan.

By these and other means three hundred gentes were gathered at Rome and there organized in curiæ and tribes, differing somewhat in tribal lineage; for the Ramnes, as before remarked, were Latins, the Tities were in the main Sabines and the Luceres were probably in the main Latins with large accessions from other sources. The Roman people and organization thus grew into being by a more or less constrained aggregation of gentes into curiæ, of curiæ into tribes, and of tribes into one gentile society. But a model for each integral organization, excepting the last, had existed among

them and their ancestors from time immemorial; with a natural basis for each curia in the kindred gentes actually united in each, and a similar basis for each tribe in the common lineage of a greater part of the gentes united in each. All that was new in organization was the numerical proportions of gentes to a curia, of curiæ to a tribe, and the coalescence of the latter into one people. It may be called a growth under legislative constraint, because the tribes thus formed were not entirely free from the admixture of foreign elements; whence arose the new name *tribus*=a third part of the people, which now came in to distinguish this organism. The Latin language must have[Pg 312] had a term equivalent to the Greek phylon (φῦλον) = tribe, because they had the same organization; but if so it has disappeared. The invention of this new term is some evidence that the Roman tribes contained heterogeneous elements, while the Grecian were pure, and kindred in the lineage of the gentes they contained.

Our knowledge of the previous constitution of Latin society is mainly derived from the legislation ascribed to Romulus, since it brings into view the anterior organization of the Latin tribes, with such improvements and modifications as the wisdom of the age was able to suggest. It is seen in the senate as a council of chiefs, in the *comitia curiata* as an assembly of the the people by curiæ, in the office of a general military commander, and in the ascending series of organizations. It is seen more especially in the presence of the gentes, with their recognized rights, privileges and obligations. Moreover, the government instituted by Romulus and perfected by his immediate successors presents gentile society in the highest structural form it ever attained in any portion of the human family. The time referred to was immediately before the institution of political society by Servius Tullius.

The first momentous act of Romulus, as a legislator, was the institution of the Roman senate. It was composed of a hundred members, one from each gens, or ten from each curia. A council of chiefs as the primary instrument of government was not a new thing among the Latin tribes. From time immemorial they had been accustomed to its existence and to its authority. But it is probable that prior to the time of Romulus it had become changed, like the Grecian councils, into a pre-considering body, obligated to prepare and submit to an assembly of the people the most important public measures for adoption or rejection. This was in effect a resumption by the

people of powers before vested in the council of chiefs. Since no public measure of essential importance could become operative until it received the sanction of the popular assembly, this fact alone shows that the people were sovereign, and not the council, nor the military commander. It reveals also the extent to which democratic principles had penetrated their so[Pg 313]cial system. The senate instituted by Romulus, although its functions were doubtless substantially similar to those of the previous council of chiefs, was an advance upon it in several respects. It was made up either of the chiefs or of the wise men of the gentes. Each gens, as Niebuhr remarks, "sending its decurion who was its alderman,"347 to represent it in the senate. It was thus a representative and an elective body in its inception, and it remained elective, or selective, down to the empire. The senators held their office for life, which was the only term of office then known among them, and therefore not singular. Livy ascribes the selection of the first senators to Romulus, which is probably an erroneous statement, for the reason that it would not have been in accordance with the theory of their institutions. Romulus chose a hundred senators, he remarks, either because that number was sufficient, or because there were but a hundred who could be created Fathers. Fathers certainly they were called on account of their official dignity, and their descendants were called patricians.348 The character of the senate as a representative body, the title of Fathers of the People bestowed upon its members, the life-tenure of the office, but, more than all these considerations, the distinction of patricians conferred upon their children and lineal descendants in perpetuity, established at a stroke an aristocracy of rank in the centre of their social system where it became firmly intrenched. The Roman senate, from its high vocation, from its composition, and from the patrician rank received by its members and transmitted to their descendants, held a powerful position in the subsequent state. It was this aristocratic element, now for the first time planted in gentilism, which gave to the republic its mongrel character, and which, as might have been predicted, culminated in imperialism, and with it in the final dissolution of the race. It may perhaps have increased the military glory and extended the conquests of Rome, whose institutions, from the first, aimed at a military destiny; but it[Pg 314] shortened the career of this great and extraordinary people, and demonstrated the proposition that imperialism of necessity will destroy any civilized race. Under the republic,

half aristocratic, half democratic, the Romans achieved their fame, which one can but think would have been higher in degree, and more lasting in its fruits, had liberty and equality been nationalized, instead of unequal privileges and an atrocious slavery. The long protracted struggle of the plebeians to eradicate the aristocratic element represented by the senate, and to recover the ancient principles of democracy, must be classed among the heroic labors of mankind.

After the union of the Sabines the senate was increased to two hundred by the addition of a hundred senators[349] from the gentes of the tribe Tities; and when the Luceres had increased to a hundred gentes in the time of Tarquinius Priscus, a third hundred senators were added from the gentes of this tribe.[350] Cicero has left some doubt upon this statement of Livy, by saying that Tarquinius Priscus doubled the original number of the senators.[351] But Schmitz well suggests, as an explanation of the discrepancy, that at the time of the final increase the senate may have become reduced to a hundred and fifty members, and been filled up to two hundred from the gentes of the first two tribes, when the hundred were added from the third. The senators taken from the tribes Ramnes and Tities were thenceforth called Fathers of the Greater Gentes (*patres maiorum gentium*), and those of the Luceres Fathers of the Lesser Gentes (*patres minorum gentium*).[352] From the form of the statement the inference arises that the three hundred senators represented the three hundred gentes, each senator representing a gens. Moreover, as each gens doubtless had its principal chief (*princeps*), it becomes extremely probable that this person was chosen for the position[Pg 315] either by his gens, or the ten were chosen together by the curia, from the ten gentes of which it was composed. Such a method of representation and of choice is most in accordance with what is known of Roman and gentile institutions.[353] After the establishment of the republic, the censors filled the vacancies in the senate by their own choice, until it was devolved upon the consuls. They were generally selected from the ex-magistrates of the higher grades.

The powers of the senate were real and substantial. All public measures originated in this body—those upon which they could act independently, as well as those which must be submitted to the popular assembly and be adopted before they could become operative. It had the general guardianship of the public welfare, the management of their foreign

relations, the levying of taxes and of military forces, and the general control of revenues and expenditures. Although the administration of religious affairs belonged to the several colleges of priests, the senate had the ultimate power over religion as well. From its functions and vocation it was the most influential body which ever existed under gentile institutions.

The assembly of the people, with the recognized right of acting upon important public measures to be discussed by them and adopted or rejected, was unknown in the Lower, and probably in the Middle Status of barbarism; but it existed in the Upper Status, in the agora of the Grecian tribes, and attained[Pg 316] its highest form in the ecclesia of the Athenians; and it also existed in the assembly of the warriors among the Latin tribes, attaining its highest form in the *comitia curiata* of the Romans. The growth of property tended to the establishment of the popular assembly, as a third power in gentile society, for the protection of personal rights and as a shield against the encroachments of the council of chiefs, and of the military commander. From the period of savagery, after the institution of the gentes, down to the times of Solon and Romulus, the popular element had always been active in ancient gentile society. The council of chiefs was usually open in the early conditions to the orators of the people, and public sentiment influenced the course of events. But when the Grecian and Latin tribes first came under historical notice the assembly of the people to discuss and adopt or reject public measures was a phenomenon quite as constant as that of a council of chiefs. It was more perfectly systematized among the Romans under the constitution of Romulus than among the Athenians in the time of Solon. In the rise and progress of this institution may be traced the growth and development of the democratic principle.

This assembly among the Romans was called the *comitia curiata*, because the members of the gentes of adult age met in one assembly by curiæ, and voted in the same manner. Each curia had one collective vote, the majority in each was ascertained separately, and determined what that vote should be.354 It was the assembly of the gentes, who alone were members of the government. Plebeians and clients, who already formed a numerous class, were excluded, because there could be no connection with the *Populus Romanus*, except through a gens and tribe. This assembly, as before stated, could neither originate public measures, nor amend such as were submitted to them; but none of a certain grade could become operative until adopted

by the *comitia*. All laws were passed or repealed by this assembly; all magistrates and high public functionaries, including the *rex*, were elected by it on the nomination of the senate.355 The *imperium* was conferred upon[Pg 317] these persons by a law of the assembly (*lex curiata de imperio*), which was the Roman method of investing with office. Until the *imperium* was thus conferred, the person, although the election was complete, could not enter upon his office. The *comitia curiata*, by appeal, had the ultimate decision in criminal cases involving the life of a Roman citizen. It was by a popular movement that the office of *rex* was abolished. Although the assembly of the people never acquired the power of originating measures, its powers were real and influential. At this time the people were sovereign.

The assembly had no power to convene itself; but it is said to have met on the summons of the *rex*, or, in his absence, on that of the praefect (*praefectus urbi*). In the time of the republic it was convened by the consuls, or, in their absence, by the praetor; and in all cases the person who convened the assembly presided over its deliberations.

In another connection the office of *rex* has been considered. The *rex* was a general and also a priest, but without civil functions, as some writers have endeavored to imply.356 His powers as a general, though not defined, were necessarily absolute over the military forces in the field and in the city. If he exercised any civil powers in particular cases, it must be supposed that they were delegated for the occasion. To pronounce him a king, as that term is necessarily understood, is to vitiate and mis-describe the popular government to which he belonged, and the institutions upon which it rested. The form of government under which the *rex* and basileus appeared is identified with [Pg 318]gentile institutions and disappeared after gentile society was overthrown. It was a peculiar organization having no parallel in modern society, and is unexplainable in terms adapted to monarchical institutions. A military democracy under a senate, an assembly of the people, and a general of their nomination and election, is a near, though it may not be a perfect, characterization of a government so peculiar, which belongs exclusively to ancient society, and rested on institutions essentially democratical. Romulus, in all probability, emboldened by his great successes, assumed powers which were regarded as dangerous to the senate and to the people, and his assassination by the Roman chiefs is a fair

inference from the statements concerning his mysterious disappearance which have come down to us. This act, atrocious as it must be pronounced, evinces that spirit of independence, inherited from the gentes, which would not submit to arbitrary individual power. When the office was abolished, and the consulate was established in its place, it is not surprising that two consuls were created instead of one. While the powers of the office might raise one man to a dangerous height, it could not be the case with two. The same subtlety of reasoning led the Iroquois, without original experience, to create two war-chiefs of the confederacy instead of one, lest the office of commander-in-chief, bestowed upon a single man, should raise him to a position too influential.

In his capacity of chief priest the *rex* took the auspices on important occasions, which was one of the highest acts of the Roman religious system, and in their estimation quite as necessary in the field on the eve of a battle as in the city. He performed other religious rites as well. It is not surprising that in those times priestly functions are found among the Romans, as among the Greeks, attached to or inherent in the highest military office. When the abolition of this office occurred, it was found necessary to vest in some one the religious functions appertaining to it, which were evidently special; whence the creation of the new office of *rex sacrificulus*, or *rex sacrorum*, the incumbent of which performed the religious duties in question. Among the Athenians the same idea re[Pg 319]appears in the second of the nine archons, who was called *archon basileus*, and had a general supervision of religious affairs. Why religious functions were attached to the office of *rex* and *basileus*, among the Romans and Greeks, and to the office of *Teuctli* among the Aztecs; and why, after the abolition of the office in the two former cases, the ordinary priesthoods could not perform them, has not been explained.

Thus stood Roman gentile society from the time of Romulus to the time of Servius Tullius, through a period of more than two hundred years, during which the foundations of Roman power were laid. The government, as before remarked, consisted of three powers, a senate, an assembly of the people, and a military commander. They had experienced the necessity for definite written laws to be enacted by themselves, as a substitute for usages and customs. In the *rex* they had the germinal idea of a chief executive magistrate, which necessity pressed upon them, and which was to advance

into a more complete form after the institution of political society. But they found it a dangerous office in those times of limited experience in the higher conceptions of government, because the powers of the *rex* were, in the main, undefined, as well as difficult of definition. It is not surprising that when a serious controversy arose between the people and Tarquinius Superbus, they deposed the man and abolished the office. As soon as something like the irresponsible power of a king met them face to face it was found incompatible with liberty and the latter gained the victory. They were willing, however, to admit into the system of government a limited executive, and they created the office in a dual form in the two consuls. This occurred after the institution of political society.

No direct steps were taken, prior to the time of Servius Tullius, to establish a state founded upon territory and upon property; but the previous measures were a preparation for that event. In addition to the institutions named, they had created a city magistracy, and a complete military system, including the institution of the equestrian order. Under institutions purely gentile Rome had become, in the time of Servius Tullius, the strongest military power in Italy.

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Among the new magistrates created, that of warden of the city (*custos urbis*) was the most important. This officer, who was chief of the senate (*princeps senatus*), was, in the first instance, according to Dionysius, appointed by Romulus.357 The senate, which had no power to convene itself, was convened by him. It is also claimed that the *rex* had power to summon the senate. That it would be apt to convene upon his request, through the call of its own officer, is probable; but that he could command its convocation is improbable, from its independence in functions, from its dignity, and from its representative character. After the time of the Decemvirs the name of the office was changed to præfect of the city (*præfectus urbi*), its powers were enlarged, and it was made elective by the new *comitia centuriata*. Under the republic, the consuls, and in their absence, the praetor, had power to convene the senate, and also to hold the *comitia*. At a later day, the office of praetor (*praetor urbanus*) absorbed the functions of this ancient office and became its successor. A judicial magistrate, the Roman praetor was the prototype of the modern judge. Thus, every essential institution in the government or administration of the

affairs of society may generally be traced to a simple germ, which springs up in a rude form from human wants, and, when able to endure the test of time and experience, is developed into a permanent institution.

A knowledge of the tenure of the office of chief, and of the functions of the council of chiefs, before the time of Romulus, could they be ascertained, would reflect much light upon the condition of Roman gentile society in the time of Romulus. Moreover, the several periods should be studied separately, because the facts of their social condition were changing with their advancement in intelligence. The Italian period prior to Romulus, the period of the seven *reges*, and the subsequent periods of the republic and of the empire are marked by great differences in the spirit and character of the government. But the institutions of the first period entered into the second, and these again were transmitted into the third, and remained with modifications in the fourth. The growth, development and fall[Pg 321] of these institutions embody the vital history of the Roman people. It is by tracing these institutions from the germ through their successive stages of growth, on the wide scale of the tribes and nations of mankind, that we can follow the great movements of the human mind in its evolution from its infancy in savagery to its present high development. Out of the necessities of mankind for the organization of society came the gens; out of the gens came the chief, and the tribe with its council of chiefs; out of the tribe came by segmentation the group of tribes, afterwards re-united in a confederacy, and finally consolidated by coalescence into a nation; out of the experience of the council came the necessity of an assembly of the people with a division of the powers of the government between them; and finally, out of the military necessities of the united tribes came the general military commander, who became in time a third power in the government, but subordinate to the two superior powers. It was the germ of the office of the subsequent chief magistrate, the king and the president. The principal institutions of civilized nations are simply continuations of those which germinated in savagery, expanded in barbarism, and which are still subsisting and advancing in civilization.

As the Roman government existed at the death of Romulus, it was social, and not political; it was personal, and not territorial. The three tribes were located, it is true, in separate and distinct areas within the limits of the city; but this was the prevailing mode of settlement under gentile institutions.

Their relations to each other and to the resulting society, as gentes, curiæ and tribes, were wholly personal, the government dealing with them as groups of persons, and with the whole as the Roman people. Localized in this manner within inclosing ramparts, the idea of a township or city ward would suggest itself when the necessity for a change in the plan of government was forced upon them by the growing complexity of affairs. It was a great change that was soon to be required of them, to be wrought out through experimental legislation—precisely the same which the Athenians had entered upon shortly before the time of Servius Tullius. Rome was founded, and its first victories were won under institutions purely gentile; but the fruits[Pg 322] of these achievements by their very magnitude demonstrated the inability of the gentes to form the basis of a state. But it required two centuries of intense activity in the growing commonwealth to prepare the way for the institution of the second great plan of government based upon territory and upon property. A withdrawal of governing powers from the gentes, curiæ and tribes, and their bestowal upon new constituencies was the sacrifice demanded. Such a change would become possible only through a conviction that the gentes could not be made to yield such a form of government as their advanced condition demanded. It was practically a question of continuance in barbarism, or progress into civilization. The inauguration of the new system will form the subject of the next chapter.

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CHAPTER XIII. - THE INSTITUTION OF ROMAN POLITICAL SOCIETY.

The Populus.—The Plebeians.—The Clients.—The Patricians.—Limits of the Order.—Legislation of Servius Tullius.—Institution of Property Classes.—Of the Centuries.—Unequal Suffrage.—Comitia Centuriata.—Supersedes Comitia Curiata.—Classes Supersede the Gentes.—The Census.—Plebeians made Citizens.—Institution of City Wards.—Of Country Townships.—Tribes Increased To Four.—Made Local instead of Consanguine.—Character of New Political System.—Decline and Disappearance of Gentile Organization.—The Work it Accomplished.

Servius Tullius, the sixth chief of the Roman military democracy, came to the succession about one hundred and thirty-three years after the death of Romulus, as near as the date can be ascertained.358 This would place his

accession about 576 B. C. To this remarkable man the Romans were chiefly indebted for the establishment of their political system. It will be sufficient to indicate its main features, together with some of the reasons which led to its adoption.

From the time of Romulus to that of Servius Tullius the Romans consisted of two distinct classes, the *populus* and the *plebeians*. Both were personally free, and both entered the ranks of the army; but the former alone were organized in gentes, curiæ and tribes, and held the powers of the government. The plebeians, on the other hand, did not belong to any gens, curia or tribe, and consequently were without the[Pg 324] government.359 They were excluded from office, from the *comitia curiata*, and from the sacred rites of the gentes. In the time of Servius they had become nearly if not quite as numerous as the *populus*. They were in the anomalous position of being subject to the military service, and of possessing families and property, which identified them with the interests of Rome, without being in any sense connected with the government. Under gentile institutions, as we have seen, there could be no connection with the government except through a recognized gens, and the plebeians had no gentes. Such a state of things, affecting so large a portion of the people, was dangerous to the commonwealth. Admitting of no remedy under gentile institutions, it must have furnished one of the prominent reasons for attempting the overthrow of gentile society, and the substitution of political. The Roman fabric would, in all probability, have fallen in pieces if a remedy had not been devised. It was commenced in the time of Romulus, renewed by Numa Pompilius, and completed by Servius Tullius.

The origin both of the plebeians and of the patricians, and their subsequent relations to each other, have been fruitful themes of discussion and of disagreement. A few suggestions may be ventured upon each of these questions.

A person was a plebeian because he was not a member of a gens, organized with other gentes in a curia and tribe. It is easy to understand how large numbers of persons would have become detached from the gentes of their birth in the unsettled times which preceded and followed the founding of Rome. The adventurers who flocked to the new city from the surrounding tribes, the captives taken in their wars and afterwards set free, and the unattached persons mingled with the gentes transplanted to Rome, would

rapidly furnish such a class. It might also well happen that in filling up the hundred gentes of each tribe, fragments of gentes, and gentes having less than a prescribed number of persons, were excluded. These unat[Pg 325]tached persons, with the fragments of gentes thus excluded from recognition and organization in a curia, would soon become, with their children and descendants, a great and increasing class. Such were the Roman plebeians, who, as such, were not members of the Roman gentile society. It seems to be a fair inference from the epithet applied to the senators of the Luceres, the third Roman tribe admitted, who were styled "Fathers of the Lesser Gentes," that the old gentes were reluctant to acknowledge their entire equality. For a stronger reason they debarred the plebeians from all participation in the government. When the third tribe was filled up with the prescribed number of gentes, the last avenue of admission was closed, after which the number in the plebeian class would increase with greater rapidity. Niebuhr remarks that the existence of the plebeian class may be traced to the time of Ancus, thus implying that they made their first appearance at that time.360 He also denies that the clients were a part of the plebeian body;361 in both of which positions he differs from Dionysius,362 and from Plutarch.363 The institution of the relation of patron and client is ascribed by the authors last named to Romulus, and it is recognized by Suetonius as existing in the time of Romulus.364 A necessity for such an institution existed in the presence of a class without a gentile status, and without religious rites, who would avail themselves of this relation for the protection of their persons and property, and for the access it gave them to religious privileges. Members of a gens would not be without this protection or these privileges; neither would it befit the dignity or accord with the obligations of a gens to allow one of its members to accept a patron in another gens. The unattached class, or, in other words, the plebeians, were the only persons who would naturally seek patrons and[Pg 326] become their clients. The clients formed no part of the *populus* for the reasons stated. It seems plain, notwithstanding the weight of Niebuhr's authority on Roman questions, that the clients were a part of the plebeian body.

The next question is one of extreme difficulty, namely: the origin and extent of the patrician class—whether it originated with the institution of the Roman Senate, and was limited to the senators, and to their children and

descendants; or included the entire *populus*, as distinguished from the plebeians. It is claimed by the most eminent modern authorities that the entire *populus* were patricians. Niebuhr, who is certainly the first on Roman questions, adopts this view,365 to which Long, Schmitz, and others have given their concurrence.366 But the reasons assigned are not conclusive. The existence of the patrician class, and of the plebeian class as well, may be traced, as stated, to the time of Romulus.367 If the *populus*, who were the entire body of the people organized in gentes, were all patricians at this early day, the distinction would have been nominal, as the plebeian class was then unimportant. Moreover, the plain statements of Cicero and of Livy are not reconcilable with this conclusion. Dionysius, it is true, speaks of the institution of the patrician class as occurring before that of the senate, and as composed of a limited number of persons distinguished for their birth, their virtue, and their wealth; thus excluding the poor and obscure in birth, although they belonged to the historical gentes.368 Admitting a class of patricians without senatorial connection, there was still a large class remaining in the several gentes who were not patricians. Cicero has left a plain statement that the senators and their children were patricians, and without referring to the existence of any patrician class beyond their number. When that senate of Romulus, he remarks, which was constituted of the best men, whom Romulus himself respected so highly that he wished them to be called fathers, and their children patricians, attempted,369 etc. The meaning attached[Pg 327] to the word fathers (*patres*) as here used was a subject of disagreement among the Romans themselves; but the word *patricii*, for the class is formed upon *patres*, thus tending to show the necessary connection of the patricians with the senatorial office. Since each senator at the outset represented, in all probability, a gens, and the three hundred thus represented all the recognized gentes, this fact could not of itself make all the members of the gentes patricians, because the dignity was limited to the senators, their children, and their posterity. Livy is equally explicit. They were certainly called fathers, he remarks, on account of their official dignity, and their posterity (*progenies*) patricians.370 Under the *reges* and also under the republic, individuals were created patricians by the government; but apart from the senatorial office, and special creation by the government, the rank could not be obtained. It is not improbable that a number of persons, not admitted into the senate when it was instituted, were

placed by public act on the same level with the senators as to the new patrician rank; but this would include a small number only of the members of the three hundred gentes, all of whom were embraced in the *Populus Romanus*.

It is not improbable that the chiefs of the gentes were called fathers before the time of Romulus, to indicate the paternal character of the office; and that the office may have conferred a species of recognized rank upon their posterity. But we have no direct evidence of the fact. Assuming it to have been the case, and further, that the senate at its institution did not include all the principal chiefs, and further still, that when vacancies in the senate were subsequently filled, the selection was made on account of merit and not on account of gens, a foundation for a patrician class might have previously existed independently of the senate. These assumptions might be used to explain the peculiar language of Cicero, namely that Romulus desired that the senators might be called Fathers, possibly because this was already the honored title of the chiefs of the gentes. In this way a limited foundation for a patrician class may be found independent of the senate; but it would not be broad enough to include all the recognized gentes. It was in connection with the[Pg 328] senators that the suggestion was made that their children and descendants should be called patricians. The same statement is repeated by Paterculus.371

It follows that there could be no patrician gens and no plebeian gens, although particular families in one gens might be patricians, and in another plebeians. There is some confusion also upon this point. All the adult male members of the Fabian gens, to the number of three hundred and six, were patricians.372 It must be explained by the supposition that all the families in this gens could trace their descent from senators, or to some public act by which their ancestors were raised to the patriciate. There were of course patrician families in many gentes, and at a later day patrician and plebeian families in the same gens. Thus the Claudii and Marcelli, before referred to (*supra* p. 287), were two families of the Claudian gens, but the Claudii alone were patricians. It will be borne in mind, that prior to the time of Servius Tullius the Romans were divided into two classes, the *populus* and the *plebeians*; but that after his time, and particularly after the Licinian legislation (367 B. C.) by which all the dignities of the state were opened to every citizen, the Roman people, of the degree of freemen, fell into two

political classes, which may be distinguished as the aristocracy and the commonalty. The former class consisted of the senators, and those descended from senators, together with those who had held either of the three curule offices, (consul, praetor, and curule ædile) and their descendants. The commonalty were now Roman citizens. The gentile organization had fallen into decadence, and the old division could no longer be maintained. Persons, who in the first period as belonging to the *populus*, could not be classed with the plebeians, would in the subsequent period belong to the aristocracy without being patricians. The Claudii could trace their descent from Appius Claudius who was made a senator in the time of Romulus; but the Marcelli could not trace their descent from him, nor from any other senator, although,[Pg 329] as Niebuhr remarks, "equal to the Apii in the splendor of the honors they attained to, and incomparably more useful to the commonwealth."373 This is a sufficient explanation of the position of the Marcelli without resorting to the fanciful hypothesis of Niebuhr, that the Marcelli had lost patrician rank through a marriage of disparagement.374

The patrician class were necessarily numerous, because the senators, rarely less than three hundred, were chosen as often as vacancies occurred, thus constantly including new families; and because it conferred patrician rank on their posterity. Others were from time to time made patricians by act of the state.375 This distinction, at first probably of little value, became of great importance with their increase in wealth, numbers and power; and it changed the complexion of Roman society. The full effect of introducing a privileged class in Roman gentile society was not probably appreciated at the time; and it is questionable whether this institution did not exercise a more injurious than beneficial influence upon the subsequent career of the Roman people.

When the gentes had ceased to be organizations for governmental purposes under the new political system, the *populus* no longer remained as distinguished from the plebeians; but the shadow of the old organization and of the old distinction remained far into the republic.376 The plebeians under the new system were Roman citizens, but they were now the commonalty; the question of the connection or non-connection with a gens not entering into the distinction.

From Romulus to Servius Tullius the Roman organization, as before stated, was simply a gentile society, without relation to territory or to property. All we find is a series of aggregates of persons, in gentes, curiæ and tribes, by means of which the people were dealt with by the government as groups of persons forming these several organic unities. Their condition was precisely like that of the Athenians prior to the time of Solon. But they had instituted a senate in the place of the[Pg 330] old council of chiefs, a *comitia curiata* in the place of the old assembly of the people, and had chosen a military commander, with the additional functions of a priest and judge. With a government of three powers, co-ordinated with reference to their principal necessities, and with a coalescence of the three tribes, composed of an equal number of gentes and curiæ, into one people, they possessed a higher and more complete governmental organization than the Latin tribes had before attained. A numerous class had gradually developed, however, who were without the pale of the government, and without religious privileges, excepting that portion who had passed into the relation of clients. If not a dangerous class, their exclusion from citizenship, and from all participation in the government, was detrimental to the commonwealth. A municipality was growing up upon a scale of magnitude unknown in their previous experience, requiring a special organization to conduct its local affairs. A necessity for a change in the plan of government must have forced itself more and more upon the attention of thoughtful men. The increase of numbers and of wealth, and the difficulty of managing their affairs, now complex from weight of numbers and diversity of interests, began to reveal the fact, it must be supposed, that they could not hold together under gentile institutions. A conclusion of this kind is required to explain the several expedients which were tried.

Numa, the successor of Romulus, made the first significant movement, because it reveals the existence of an impression, that a great power could not rest upon gentes as the basis of a system. He attempted to traverse the gentes, as Theseus did, by dividing the people into classes, some eight in number, according to their arts and trades.377 Plutarch, who is the chief authority for this statement, speaks of this division of the people according to their vocations as the most admired of Numa's institutions; and remarks further, that it was designed to take away the distinction between Latin and Sabine, both name and[Pg 331] thing, by mixing them together in a new distribution. But as he did not invest the classes with the powers exercised

by the gentes, the measure failed, like the similar attempt of Theseus, and for the same reason. Each guild, as we are assured by Plutarch, had its separate hall, court and religious observances. These records, though traditionary, of the same experiment in Attica and at Rome, made for the same object, for similar reasons, and by the same instrumentalities, render the inference reasonable that the experiment as stated was actually tried in each case.

Servius Tullius instituted the new system, and placed it upon a foundation where it remained to the close of the republic, although changes were afterwards made in the nature of improvements. His period (about 576-533 B. C.) follows closely that of Solon (596 B. C.), and precedes that of Cleisthenes (509 B. C.). The legislation ascribed to him, and which was obviously modeled upon that of Solon, may be accepted as having occurred as early as the time named, because the system was in practical operation when the republic was established 509 B. C., within the historical period. Moreover, the new political system may as properly be ascribed to him as great measures have been attributed to other men, although in both cases the legislator does little more than formulate what experience had already suggested and pressed upon his attention. The three principal changes which set aside the gentes and inaugurated political society based upon territory and upon property, were: first, the substitution of classes, formed upon the measure of individual wealth, in the place of the gentes; second, the institution of the *comitia centuriata*, as the new popular assembly, in the place of the *comitia curiata*, the assembly of the gentes, with a transfer of the substantial powers of the latter to the former; and third, the creation of four city wards, in the nature of townships, circumscribed by metes and bounds and named as territorial areas, in which the residents of each ward were required to enroll their names and register their property.

Imitating Solon, with whose plan of government he was doubtless familiar, Servius divided the people into five classes, according to the value of their property, the effect of which[Pg 332] was to concentrate in one class the wealthiest men of the several gentes.[378] Each class was then subdivided into centuries, the number in each being established arbitrarily without regard to the actual number of persons it contained, and with one vote to each century in the *comitia*. The amount of political power to be held by each class was thus determined by the number of centuries given to each.

Thus, the first class consisted of eighty centuries, with eighty votes in the *comitia centuriata*; the second class of twenty centuries, to which two centuries of artisans were attached, with twenty-two votes; the third class of twenty centuries, with twenty votes; the fourth class of twenty, to which two centuries of horn-blowers and trumpeters were attached, with twenty-two votes; and the fifth class of thirty centuries, with thirty votes. In addition to these, the equites consisted of eighteen centuries, with eighteen votes. To these classes Dionysius adds a sixth class, consisting of one century, with one vote. It was composed of those who had no property, or less than the amount required for admission into the fifth class. They neither paid taxes, nor served in war.379 The whole number of centuries in the six classes with the equites added, made a total of one hundred and ninety-three, according to Dionysius.380 Livy, agreeing with the former as to the number of regular centuries in the five classes, differs from him by excluding the sixth class, the persons being formed into one century with one vote, and included in or attached to the fifth class. He also makes three centuries of horn-blowers instead of two, and the whole number of centuries one more than Dionysius.381 Cicero remarks that ninety-six centuries were a minority, which would be equally true under either statement.382 The centuries of each class were divided into seniors and juniors, of which the senior centuries were composed of such persons as were above the age of fifty-five years, and were charged with the duty, as soldiers, of de[Pg 333]fending the city; while the junior centuries consisted of those persons who were below this age and above seventeen, and were charged with external military enterprises.383 The armature of each class was prescribed and made different for each.384

It will be noticed that the control of the government, so far as the assembly of the people could influence its action, was placed in the hands of the first class, and the equites. They held together ninety-eight votes, a majority of the whole. Each century agreed upon its vote separately when assembled in the *comitia centuriata*, precisely as each curia had been accustomed to do in the *comitia curiata*. In taking a vote upon any public question, the equites were called first, and then the first class.385 If they agreed in their votes it decided the question, and the remaining centuries were not called upon to vote; but if they disagreed, the second class was called, and so on to the last, unless a majority sooner appeared.

The powers formerly exercised by the *comitia curiata*, now transferred to the *comitia centuriata*, were enlarged in some slight particulars in the subsequent period. It elected all officers and magistrates on the nomination of the senate; it enacted or rejected laws proposed by the senate, no measure becoming a law without its sanction; it repealed existing laws on the proposition of the same body, if they chose to do so; and it declared war on the same recommendation. But the senate concluded peace without consulting the assembly. An appeal in all cases involving life could be taken to this assembly as the highest judicial tribunal of the state. These powers were substantial, but limited—control over the finances being excluded. A majority of the votes, however, were lodged with the first class, including the equites, which embraced the body of the patricians, as must be supposed, and the wealthiest citizens. Property and not numbers controlled the government. They were able, however, to create a body of laws in the course of time which afforded equal protection to all, and thus tended to redeem the worst effects of the inequalities of the system.
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The meetings of the *comitia* were held in the Campus Martius annually for the election of magistrates and officers, and at other times when the public necessities required. The people assembled by centuries, and by classes under their officers, organized as an army (*exercitus*); for the centuries and classes were designed to subserve all the purposes of a military as well as a civil organization. At the first muster under Servius Tullius, eighty thousand citizen soldiers appeared in the Campus Martius under arms, each man in his proper century, each century in its class, and each class by itself.386 Every member of a century was now a citizen of Rome, which was the most important fruit of the new political system. In the time of the republic the consuls, and in their absence, the praetor, had power to convene the *comitia*, which was presided over by the person who caused it to assemble. Such a government appears to us, in the light of our more advanced experience, both rude and clumsy; but it was a sensible improvement upon the previous gentile government, defective and illiberal as it appears. Under it, Rome became mistress of the world. The element of property, now rising into commanding importance, determined its character. It had brought aristocracy and privilege into prominence, which seized the opportunity to withdraw the control of the government in a great measure from the hands

of the people, and bestow it upon the men of property. It was a movement in the opposite direction from that to which the democratic principles inherited from the gentes naturally tended. Against the new elements of aristocracy and privilege now incorporated in their governmental institutions, the Roman plebeians contended throughout the period of the republic, and at times with some measure of success. But patrician rank and property possessed by the higher classes, were too powerful for the wiser and grander doctrines of equal rights and equal privileges represented by the plebeians. It was even then far too heavy a tax upon Roman society to carry a privileged class.

Cicero, patriot and noble Roman as he was, approved and commended this gradation of the people into classes, with the[Pg 335] bestowment of a controlling influence in the government upon the minority of citizens. Servius Tullius, he remarks, "having created a large number of equites from the common mass of the people, divided the remainder into five classes, distinguishing between the seniors and juniors, which he so constituted as to place the suffrages, not in the hands of the multitude, but of the men of property; taking care to make it a rule of ours, as it ought to be in every government, that the greatest number should not have the greatest weight."387 In the light of the experience of the intervening two thousand years, it may well be observed that the inequality of privileges, and the denial of the right of self-government here commended, created and developed that mass of ignorance and corruption which ultimately destroyed both government and people. The human race is gradually learning the simple lesson, that the people as a whole are wiser for the public good and the public prosperity, than any privileged class of men, however refined and cultivated, have ever been, or, by any possibility, can ever become. Governments over societies the most advanced are still in a transitional stage; and they are necessarily and logically moving, as President Grant, not without reason, intimated in his last inaugural address, in the direction of democracy; that form of self-government which represents and expresses the average intelligence and virtue of a free and educated people.

The property classes subserved the useful purpose of breaking up the gentes, as the basis of a governmental system, by transferring their powers to a different body. It was evidently the principal object of the Servian

legislation to obtain a deliverance from the gentes, which were close corporations, and to give the new government a basis wide enough to include all the inhabitants of Rome, with the exception of the slaves. After the classes had accomplished this work, it might have been expected that they would have died out as they did at Athens; and that city wards and country townships, with their inhabitants organized as bodies politic, would have become the basis of the new political system, as they rightfully and logic[Pg 336]ally should. But the municipal organization of Rome prevented this consummation. It gained at the outset, and maintained to the end the central position in the government, to which all areas without were made subordinate. It presents the anomaly of a great central municipal government expanded, in effect, first over Italy, and finally over the conquered provinces of three continents. The five classes, with some modifications of the manner of voting, remained to the end of the republic. The creation of a new assembly of the people to take the place of the old, discloses the radical character of the Servian constitution. These classes would never have acquired vitality without a newly constituted assembly, investing them with political powers. With the increase of wealth and population the duties and responsibilities of this assembly were much increased. It was evidently the intention of Servius Tullius that it should extinguish the *comitia curiata*, and with it the power of the gentes.

This legislator is said to have instituted the *comitia tributa*, a separate assembly of each local tribe or ward, whose chief duties related to the assessment and collection of taxes, and to furnishing contingents of troops. At a later day this assembly elected the tribunes of the people. The ward was the natural unit of their political system, and the centre where local self-government should have been established had the Roman people wished to create a democratic state. But the senate and the property classes had forestalled them from that career.

One of the first acts ascribed to Servius was the institution of the census. Livy pronounces the census a most salutary measure for an empire about to become so great, according to which the duties of peace and of war were to be performed, not individually as before, but according to the measure of personal wealth.388 Each person was required to enroll himself in the ward of his residence, with a statement of the amount of his property. It was done in the presence of the censor; and the lists when completed furnished the

basis upon which the classes were formed.389 This was accompanied by a very re[Pg 337]markable act for the period, the creation of four city wards, circumscribed by boundaries, and distinguished by appropriate names. In point of time it was earlier than the institution of the Attic deme by Cleisthenes; but the two were quite different in their relations to the government. The Attic deme, as has been shown, was organized as a body politic with a similar registry of citizens and of their property, and having besides a complete local self-government, with an elective magistracy, judiciary and priesthood. On the other hand, the Roman ward was a geographical area, with a registry of citizens and of their property, with a local organization, a tribune and other elective offices, and with an assembly. For a limited number of special objects the inhabitants of the wards were dealt with by the government through their territorial relations. But the government of the ward did not possess the solid attributes of that of the Attic deme. It was a nearer copy of the previous Athenian naucrary, which not unlikely furnished the model, as the Solonian classes did of the Servian. Dionysius remarks, that after Servius Tullius had inclosed the seven hills with one wall he divided the city into four parts, and gave the names of the hills to the re-divisions: to the first, Palatina, to the second, Suburra, to the third, Collina, and to the fourth, Esquilina; and made the city consist of four parts, which before consisted of three; and he ordered the people who dwelt in each of the four regions, like villagers, not to take any other dwelling, nor to pay taxes elsewhere, nor give in their names as soldiers elsewhere, nor pay their assessments for military purposes and other needs, which each must furnish for the common welfare; for these things were no longer to be done according to the three consanguine tribes (φυλὰς τὰς γενικὰς), but according to the four local tribes (φυλὰς τὰς τοπικὰς), which last had been arranged by himself; and he appointed commanders over each tribe, as phylarchs or comarchs, whom he directed to note what house each inhabited.390 Mommsen observes that "each of these four levy-districts had to furnish the fourth part not only of the force as a whole, but of each of its military subdivisions, so that each legion and each century numbered an[Pg 338] equal proportion of conscripts from each region; evidently for the purpose of merging all distinctions of a gentile and local nature in one common levy of the community, and

especially of binding, through the powerful leveling influence of the military spirit, the *meteoci* and the burgesses into one people."391
In like manner, the surrounding country under the government of Rome was organized in townships (*tribus rusticae*), the number of which is stated at twenty-six by some writers, and at thirty-one by others; making, with the four city wards, a total of thirty in one case, and of thirty-five in the other.392 The total number was never increased beyond thirty-five. These townships did not become integral in the sense of participating in the administration of the government.
As finally established under the Servian constitution, the government was cast in the form in which it remained during the existence of the republic; the consuls taking the place of the previous military commanders. It was not based upon territory in the exclusive sense of the Athenian government, or in the modern sense; ascending from the township or ward, the unit of organization, to the county or arrondissement, and from the latter to the state, each organized and invested with governmental functions as constituents of a whole. The central government overshadowed and atrophied the parts. It rested more upon property than upon territory, this being made the commanding element, as is shown by the lodgment of the controlling power of the government in the highest property classes. It had, nevertheless, a territorial basis as well, since it recognized and used territorial subdivisions for citizenship, and for financial and military objects, in which the citizen was dealt with through his territorial relations.
The Romans were now carried fairly out of gentile society into and under the second great plan of government, founded upon territory and upon property. They had left gentilism and barbarism behind them, and entered upon a new career of[Pg 339] civilization. Henceforth the creation and protection of property became the primary objects of the government, with a superadded career of conquest for domination over distant tribes and nations. This great change of institutions, creating political society as distinguished from gentile society, was simply the introduction of the new elements of territory and property, making the latter a power in the government, which before had been simply an influence. Had the wards and rustic townships been organized with full powers of local self-government, and the senate been made elective by these local constituencies without distinction of classes, the resulting government would have been a

democracy, like the Athenian; for these local governments would have moulded the state into their own likeness. The senate, with the hereditary rank it conferred, and the property basis qualifying the voting power in the assembly of the people, turned the scale against democratical institutions, and produced a mixed government, partly aristocratic and partly democratic; eminently calculated to engender perpetual animosity between the two classes of citizens thus deliberately and unnecessarily created by affirmative legislation. It is plain, I think, that the people were circumvented by the Servian constitution, and had a government put upon them which the majority would have rejected had they fully comprehended its probable results. The evidence is conclusive of the antecedent democratical principles of the gentes, which, however exclusive as against all persons not in their communion, were carried out fully among themselves. The evidence of this free spirit and of their free institutions is so decisive that the proposition elsewhere stated, that gentilism is incompatible with monarchy, seems to be incontrovertible.

As a whole, the Roman government was anomalous. The overshadowing municipality of Rome, made the centre of the state in its plan of government, was one of the producing causes of its novel character. The primary organization of the people into an army with the military spirit it fostered created the cohesive force which held the republic together, and afterwards the empire. With a selective senate holding office for life, and possessing substantial powers; with a personal rank[Pg 340] passing to their children and descendants; with an elective magistracy graded to the needs of a central metropolis; with an assembly of the people organized into property classes, possessing an unequal suffrage, but holding both an affirmative and a negative upon all legislation; and with an elaborate military organization, no other government strictly analogous has appeared among men. It was artificial, illogical, approaching a monstrosity; but capable of wonderful achievements, because of its military spirit, and because the Romans were endowed with remarkable powers for organizing and managing affairs. The patchwork in its composition was the product of the superior craft of the wealthy classes who intended to seize the substance of power while they pretended to respect the rights and interests of all.

When the new political system became established, the old one did not immediately disappear. The functions of the senate and of the military

commander remained as before; but the property classes took the place of the gentes, and the assembly of the classes took the place of the assembly of the gentes. Radical as the changes were, they were limited, in the main, to these particulars, and came in without friction or violence. The old assembly (*comitia curiata*) was allowed to retain a portion of its powers, which kept alive for a long period of time the organizations of the gentes, curiæ and consanguine tribes. It still conferred the *imperium* upon all the higher magistrates after their election was completed, though in time it became a matter of form merely; it inaugurated certain priests, and regulated the religious observances of the curiæ. This state of things continued down to the time of the first Punic war, after which the *comitia curiata* lost its importance and soon fell into oblivion. Both the assembly and the curiæ were superseded rather than abolished, and died out from inanition; but the gentes remained far into the empire, not as an organization, for that also died out in time, but as a pedigree and a lineage. Thus the transition from gentile into political society was gradually but effectually accomplished, and the second great plan of human government was substituted by the Romans in the place of the first which had prevailed from time immemorial.

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After an immensely protracted duration, running back of the separate existence of the Aryan family, and received by the Latin tribes from their remote ancestors, the gentile organization finally surrendered its existence, among the Romans, to to the demands of civilization. It had held exclusive possession of society through these several ethnical periods, and until it had won by experience all the elements of civilization, which it then proved unable to manage. Mankind owe a debt of gratitude to their savage ancestors for devising an institution able to carry the advancing portion of the human race out of savagery into barbarism, and through the successive stages of the latter into civilization. It also accumulated by experience the intelligence and knowledge necessary to devise political society while the institution yet remained. It holds a position on the great chart of human progress second to none in its influence, in its achievements and in its history. As a plan of government, the gentile organization was unequal to the wants of civilized man; but it is something to be said in its remembrance that it developed from the germ the principal governmental institutions of modern civilized states. Among others, as before stated, out

of the ancient council of chiefs came the modern senate; out of the ancient assembly of the people came the modern representative assembly, the two together constituting the modern legislature; out of the ancient general military commander came the modern chief magistrate, whether a feudal or constitutional king, an emperor or a president, the latter being the natural and logical result; and out of the ancient *custos urbis*, by a circuitous derivation, came the Roman praetor and the modern judge. Equal rights and privileges, personal freedom and the cardinal principles of democracy were also inherited from the gentes. When property had become created in masses, and its influence and power began to be felt in society, slavery came in; an institution violative of all these principles, but sustained by the selfish and delusive consideration that the person made a slave was a stranger in blood and a captive enemy. With property also came in gradually the principle of aristocracy, striving for the creation of privileged classes. The element of property, which has con[Pg 342]trolled society to a great extent during the comparatively short period of civilization, has given mankind despotism, imperialism, monarchy, privileged classes, and finally representative democracy. It has also made the career of the civilized nations essentially a property-making career. But when the intelligence of mankind rises to the height of the great question of the abstract rights of property,—including the relations of property to the state, as well as the rights of persons to property,—a modification of the present order of things may be expected. The nature of the coming changes it may be impossible to conceive; but it seems probable that democracy, once universal in a rudimentary form and repressed in many civilized states, is destined to become again universal and supreme.

An American, educated in the principles of democracy, and profoundly impressed with the dignity and grandeur of those great conceptions which recognize the liberty, equality and fraternity of mankind, may give free expression to a preference for self-government and free institutions. At the same time the equal rights of every other person must be recognized to accept and approve any form of government, whether imperial or monarchical, that satisfies his preferences.

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CHAPTER XIV. - CHANGE OF DESCENT FROM THE FEMALE TO THE MALE LINE.

How the change might have been made.—Inheritance of property the Motive.—descent in the Female Line among the Lycians.—The Cretans.—The Etruscans.—Probably among the Athenians in the time of Cecrops.—The Hundred Families of the Locrians.—Evidence from Marriages.—Turanian System of Consanguinity among Grecian Tribes.—Legend of the Danaidæ.

An important question remains to be considered, namely: whether any evidence exists that descent was anciently in the female line in the Grecian and Latin gentes. Theoretically, this must have been the fact at some anterior period among their remote ancestors; but we are not compelled to rest the question upon theory alone. Since a change to the male line involved a nearly total alteration of the membership in a gens, a method by which it might have been accomplished should be pointed out. More than this, it should be shown, if possible, that an adequate motive requiring the change was certain to arise, with the progress of society out of the condition in which this form of descent originated. And lastly, the existing evidence of ancient descent in the female line among them should be presented.

A gens in the archaic period, as we have seen, consisted of a supposed female ancestor and her children, together with the children of her daughters, and of her female descendants through females in perpetuity. The children of her sons, and of her male[Pg 344] descendants, through males, were excluded. On the other hand, with descent in the male line, a gens consisted of a supposed male ancestor and his children, together with the children of his sons and of his male descendants through males in perpetuity. The children of his daughters, and of his female descendants, through females, were excluded. Those excluded in the first case would be members of the gens in the second case, and *vice versâ*. The question then arises, how could descent be changed from the female line to the male without the destruction of the gens?

The method was simple and natural, provided the motive to make the change was general, urgent and commanding. When done at a given time, and by preconcerted determination, it was only necessary to agree that all the present members of the gens should remain members, but that in future all children, whose fathers belonged to the gens, should alone remain in it and bear the gentile name, while the children of its female members should

be excluded. This would not break or change the kinship or relations of the existing gentiles; but thereafter it would retain in the gens the children it before excluded, and exclude those it before retained. Although it may seem a hard problem to solve, the pressure of an adequate motive would render it easy, and the lapse of a few generations would make it complete. As a practical question, it has been changed from the female line to the male among the American aborigines in a number of instances. Thus, among the Ojibwas descent is now in the male line, while among their congeners, the Delawares and Mohegans, it is still in the female line. Originally, without a doubt, descent was in the female line in the entire Algonkin stock.

Since descent in the female line is archaic, and more in accordance with the early condition of ancient society than descent in the male line, there is a presumption in favor of its ancient prevalence in the Grecian and Latin gentes. Moreover, when the archaic form of any transmitted organization has been discovered and verified, it is impossible to conceive of its origination in the later more advanced form.

Assuming a change of descent among them from the female[Pg 345] line to the male, it must have occurred very remotely from the historical period. Their history in the Middle Status of barbarism is entirely lost, except it has been in some measure preserved in their arts, institutions and inventions, and in improvements in language. The Upper Status has the superadded light of tradition and of the Homeric poems to acquaint us with its experience and the measure of progress then made. But judging from the condition in which their traditions place them, it seems probable that descent in the female line had not entirely disappeared, at least among the Pelasgian and Grecian tribes, when they entered the Upper Status of barbarism.

When descent was in the female line in the Grecian and Latin gentes, the gens possessed the following among other characteristics: 1. Marriage in the gens was prohibited; thus placing children in a different gens from that of their reputed father. 2. Property and the office of chief were hereditary in the gens; thus excluding children from inheriting the property or succeeding to the office of their reputed father. This state of things would continue until a motive arose sufficiently general and commanding to establish the injustice of this exclusion in the face of their changed condition.

The natural remedy was a change of descent from the female line to the male. All that was needed to effect the change was an adequate motive.

After domestic animals began to be reared in flocks and herds, becoming thereby a source of subsistence as well as objects of individual property, and after tillage had led to the ownership of houses and lands in severalty, an antagonism would be certain to arise against the prevailing form of gentile inheritance, because it excluded the owner's children, whose paternity was becoming more assured, and gave his property to his gentile kindred. A contest for a new rule of inheritance, shared in by fathers and their children, would furnish a motive sufficiently powerful to effect the change. With property accumulating in masses and assuming permanent forms, and with an increased proportion of it held by individual ownership, descent in the female line was certain of overthrow, and the substitution of the male line equally assured. Such a change would leave the inheritance in the gens as before, but it would[Pg 346] place children in the gens of their father, and at the head of the agnatic kindred. For a time, in all probability, they would share in the distribution of the estate with the remaining agnates; but an extension of the principle by which the agnates cut off the remaining gentiles, would in time result in the exclusion of the agnates beyond the children and an exclusive inheritance in the children. Farther than this, the son would now be brought in the line of succession to the office of his father.

Such had the law of inheritance become in the Athenian gens in the time of Solon or shortly after; when the property passed to the sons equally, subject to the obligation of maintaining the daughters, and of apportioning them in marriage; and in default of sons, to the daughters equally. If there were no children, then the inheritance passed to the agnatic kindred, and in default of the latter, to the gentiles. The Roman law of the Twelve Tables was substantially the same.

It seems probable further, that when descent was changed to the male line, or still earlier, animal names for the gentes were laid aside and personal names substituted in their place. The individuality of persons would assert itself more and more with the progress of society, and with the increase and individual ownership of property, leading to the naming of the gens after some ancestral hero. Although new gentes were being formed from time to time by the process of segmentation, and others were dying out, the lineage of a gens reached back through hundreds not to say thousands of years. After the supposed substitution, the eponymous ancestor would have been a shifting person, at long intervals of time, some later person distinguished in

the history of the gens being put in his place, when the knowledge of the former person became obscured, and faded from view in the misty past. That the more celebrated Grecian gentes made the change of names, and made it gracefully, is shown by the fact, that they retained the name of the mother of their gentile father, and ascribed his birth to her embracement by some particular god. Thus Eumolpus, the eponymous ancestor of the Attic Eumolpidæ, was the reputed son of Neptune and Chione; but even the Grecian gens was older than the conception of Neptune.
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Recurring now to the main question, the absence of direct proof of ancient descent in the female line in the Grecian and Latin gentes would not silence the presumption in its favor; but it so happens that this form of descent remained in some tribes nearly related to the Greeks with traces of it in a number of Grecian tribes.
The inquisitive and observing Herodotus found one nation, the Lycians, Pelasgian in lineage, but Grecian in affiliation, among whom in his time (440 B. C.), descent was in the female line. After remarking that the Lycians were sprung from Crete, and stating some particulars of their migration to Lycia under Sarpedon, he proceeds as follows: "Their customs are partly Cretan and partly Carian. They have, however, one singular custom in which they differ from every other nation in the world. Ask a Lycian who he is, and he answers by giving his own name, that of his mother, and so on in the female line. Moreover, if a free woman marry a man who is a slave, their children are free citizens; but if a free man marry a foreign woman, or cohabit with a concubine, even though he be the first person in the state, the children forfeit all the rights of citizenship."393 It follows necessarily from this circumstantial statement that the Lycians were organized in gentes, with a prohibition against intermarriage in the gens, and that the children belonged to the gens of their mother. It presents a clear exemplification of a gens in the archaic form, with confirmatory tests of the consequences of a marriage of a Lycian man with a foreign woman, and of a Lycian woman with a slave.394 The aborigines of Crete were Pelasgian, Hellenic and Semitic tribes, living locally apart. Minos, the brother of Sarpedon, is usually regarded as the head of the Pelasgians in Crete; but the Lycians were already Hellenized in the time of Herodotus and quite conspicuous among the Asiatic Greeks for their advancement. The

insulation of their ancestors upon the island of Crete,[Pg 348] prior to their migration in the legendary period to Lycia, may afford an explanation of their retention of descent in the female line to this late period.

Among the Etruscans also the same rule of descent prevailed. “It is singular enough,” observes Cramer, “that two customs peculiar to the Etruscans, as we discover from their monuments, should have been noticed by Herodotus as characteristic of the Lycians and Caunians of Asia Minor. The first is, that the Etruscans invariably describe their parentage and family with reference to the mother, and not the father. The other, that they admitted their wives to their feasts and banquets.”395

Curtius comments on Lycian, Etruscan and Cretan descent in the female line in the following language: “It would be an error to understand the usage in question as an homage to the female sex. It is rather rooted in primitive conditions of society, in which monogamy was not yet established with sufficient certainty to enable descent upon the father’s side to be affirmed with assurance. Accordingly the usage extends far beyond the territory commanded by the Lycian nationality. It occurs, even to this day, in India; it may be demonstrated to have existed among the ancient Egyptians; it is mentioned by Sanchoniathon (p. 16, Orell), where the reasons for its existence are stated with great freedom; and beyond the confines of the East it appears among the Etruscans, among the Cretans, who were so closely connected with the Lycians, and who called their father-land mother-land; and among the Athenians, consult Bachofen, etc. Accordingly, if Herodotus regards the usage in question as thoroughly peculiar to the Lycians, it must have maintained itself longest among them of all the nations related to the Greeks, as is also proved by the Lycian inscriptions. Hence we must in general regard the employment of the maternal name for a designation of descent as the remains of an imperfect condition of social life and family law, which, as life becomes more regulated, was relinquished in favor of usages, afterwards universal in Greece, of naming children after the father. This diversity of usages, which is ex[Pg 349]tremely important for the history of ancient civilization, has been recently discussed by Bachofen in his address above named.”396

In a work of vast research, Bachofen has collected and discussed the evidence of female authority (mother-right) and of female rule (gyneocracy) among the Lycians, Cretans, Athenians, Lemnians,

Ægyptians, Orchomenians, Locrians, Lesbians, Mantineans, and among eastern Asiatic nations.397 The condition of ancient society, thus brought under review, requires for its full explanation the existence of the gens in its archaic form as the source of the phenomena. This would bring the mother and her children into the same gens, and in the composition of the communal household, on the basis of gens, would give the gens of the mothers the ascendency in the household. The family, which had probably attained the syndyasmian form, was still environed with the remains of that conjugal system which belonged to a still earlier condition. Such a family, consisting of a married pair with their children, would naturally have sought shelter with kindred families in a communal household, in which the several mothers and their children would be of the same gens, and the reputed fathers of these children would be of other gentes. Common lands and joint tillage would lead to joint-tenement houses and communism in living; so that gyneocracy seems to require for its creation, descent in the female line. Women thus entrenched in large households, supplied from common stores, in which their own gens so largely predominated in numbers, would produce the phenomena of mother right and gyneocracy, which Bachofen has detected and traced with the aid of fragments of[Pg 350] history and of tradition. Elsewhere I have referred to the unfavorable influence upon the position of women which was produced by a change of descent from the female line to the male, and by the rise of the monogamian family, which displaced the joint-tenement house, and in the midst of a society purely gentile, placed the wife and mother in a single house and separated her from her gentile kindred.398

Monogamy was not probably established among the Grecian tribes until after they had attained the Upper Status of barbarism; and we seem to arrive at chaos in the marriage relation within this period, especially in the Athenian tribes. Concerning the latter, Bachofen remarks: “For before the time of Cecrops the children, as we have seen, had only a mother, no father; they were of one line. Bound to no man exclusively, the woman brought only spurious children into the world. Cecrops first made an end of this condition of things; led the lawless union of the sexes back to the exclusiveness of marriage; gave to the children a father and mother, and thus from being of one line (*unilateres*) made them of two lines (*bilateres*).”399 What is here described as the lawless union of the sexes

must be received with modifications. We should expect at that comparatively late day to find the syndyasmian family, but attended by the remains of an anterior conjugal system which sprang from marriages in the group. The punaluan family, which the statement fairly implies, must have disappeared before they reached the ethnical period named. This subject will be considered in subsequent chapters in connection with the growth of the family.

There is an interesting reference by Polybius to the hundred families of the Locrians of Italy. "The Locrians themselves,"[Pg 351] he remarks, "have assured me that their own traditions are more conformable to the account of Aristotle than to that of Timæus. Of this they mention the following proofs. The first is, that all nobility of ancestry among them is derived from women, and not from men. That those, for example, alone are noble, who derive their origin from the hundred families. That these families were noble among the Locrians before they migrated; and were the same, indeed, from which a hundred virgins were taken by lot, as the oracle had commanded, and were sent to Troy."400 It is at least a reasonable supposition that the rank here referred to was connected with the office of chief of the gens, which ennobled the particular family within the gens, upon one of the members of which it was conferred. If this supposition is tenable, it implies descent in the female line both as to persons and to office. The office of chief was hereditary in the gens, and elective among its male members in archaic times; and with descent in the female line, it would pass from brother to brother, and from uncle to nephew. But the office in each case passed through females, the eligibility of the person depending upon the gens of his mother, who gave him his connection with the gens, and with the deceased chief whose place was to be filled. Wherever office or rank runs through females, it requires descent in the female line for its explanation.

Evidence of ancient descent in the female line among the Grecian tribes is found in particular marriages which occurred in the traditionary period. Thus Salmōneus and Krētheus were own brothers, the sons of Æolus. The former gave his daughter Tyrō in marriage to her uncle. With descent in the male line, Krētheus and Tyrō would have been of the same gens, and could not have married for that reason; but with descent in the female line, they would have been of different gentes, and therefore not of gentile kin. Their

marriage in that case would not have violated strict gentile usages. It is immaterial that the persons named are mythical, because the legend would apply gentile usages correctly. This marriage is explainable on the hypothesis of descent in the female line, which in turn[Pg 352] raises a presumption of its existence at the time, or as justified by their ancient usages which had not wholly died out.

The same fact is revealed by marriages within the historical period, when an ancient practice seems to have survived the change of descent to the male line, even though it violated the gentile obligations of the parties. After the time of Solon a brother might marry his half-sister, provided they were born of different mothers, but not conversely. With descent in the female line, they would be of different gentes, and, therefore, not of gentile kin. Their marriage would interfere with no gentile obligation. But with descent in the male line, which was the fact when the cases about to be cited occurred, they would be of the same gens, and consequently under prohibition. Cimon married his half-sister, Elpinice, their father being the same, but their mothers different. In the *Eubulides* of Demosthenes we find a similar case. "My grandfather," says Euxithius, "married his sister, she not being his sister by the same mother."401 Such marriages, against which a strong prejudice had arisen among the Athenians as early as the time of Solon, are explainable as a survival of an ancient custom with respect to marriage, which prevailed when descent was in the female line, and which had not been entirely eradicated in the time of Demosthenes.

Descent in the female line presupposes the gens to distinguish the lineage. With our present knowledge of the ancient and modern prevalence of the gentile organization upon five continents, including the Australian, and of the archaic constitution of the gens, traces of descent in the female line might be expected to exist in traditions, if not in usages coming down to historical times. It is not supposable, therefore, that the Lycians, the Cretans, the Athenians and the Locrians, if the evidence is sufficient to include the last two, invented a usage so remarkable as descent in the female line. The hypothesis that it was the ancient law of the Latin, Grecian, and other Græco-Italian gentes affords a more rational as well as satisfactory explanation of the facts. The influence of property and[Pg 353] the desire to transmit it to children furnished adequate motives for the change to the male line.

It may be inferred that marrying out of the gens was the rule among the Athenians, before as well as after the time of Solon, from the custom of registering the wife, upon her marriage, in the phratry of her husband, and the children, daughters as well as sons, in the gens and phratry of their father.402 The fundamental principle on which the gens was founded was the prohibition of intermarriage among its members as consanguinei. In each gens the number of members was not large. Assuming sixty thousand as the number of registered Athenians in the time of Solon, and dividing them equally among the three hundred and sixty Attic gentes, it would give but one hundred and sixty persons to each gens. The gens was a great family of kindred persons, with common religious rites, a common burial place, and, in general, common lands. From the theory of its constitution, intermarriage would be disallowed. With the change of descent to the male line, with the rise of monogamy and an exclusive inheritance in the children, and with the appearance of heiresses, the way was being gradually prepared for free marriage regardless of gens, but with a prohibition limited to certain degrees of near consanguinity. Marriages in the human family began in the group, all the males and females of which, excluding the children, were joint husbands and wives; but the husbands and wives were of different gentes; and it ended in marriage between single pairs, with an exclusive cohabitation. In subsequent chapters an attempt will be made to trace the several forms of marriage and of the family from the first stage to the last.

A system of consanguinity came in with the gens, distinguished as the Turanian in Asia, and as the Ganowánian in America, which extended the prohibition of intermarriage as far as the relationship of brother and sister extended among collaterals. This system still prevails among the American aborigines, in portions of Asia and Africa, and in Australia.

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It unquestionably prevailed among the Grecian and Latin tribes in the same anterior period, and traces of it remained down to the traditionary period. One feature of the Turanian system may be restated as follows: the children of brothers are themselves brothers and sisters, and as such could not intermarry; the children of sisters stood in the same relationship, and were under the same prohibition. It may serve to explain the celebrated legend of the Danaidæ, one version of which furnished to Aeschylus his subject for

the tragedy of the *Suppliants*. The reader will remember that Danaus and Ægyptus were brothers, and descendants of Argive Io. The former by different wives had fifty daughters, and the latter by different wives had fifty sons; and in due time the sons of Ægyptus sought the daughters of Danaus in marriage. Under the system of consanguinity appertaining to the gens in its archaic form, and which remained until superseded by the system introduced by monogamy, they were brothers and sisters, and for that reason could not marry. If descent at the time was in the male line, the children of Danaus and Ægyptus would have been of the same gens, which would have interposed an additional objection to their marriage, and of equal weight. Nevertheless the sons of Ægyptus sought to overstep these barriers and enforce wedlock upon the Danaidæ; whilst the latter, crossing the sea, fled from Egypt to Argos to escape what they pronounced an unlawful and incestuous union. In the *Prometheus* of the same author, this event is foretold to Io by Prometheus, namely: that in the fifth generation from her future son Epaphus, a band of fifty virgins should come to Argos, not voluntarily, but fleeing from incestuous wedlock with the sons of Ægyptus.403 Their flight with abhorrence from the proposed nuptials finds its explanation in the ancient system of consanguinity, independently of gentile law. Apart from this explanation the event has no significance, and their aversion to the marriages would have been mere prudery.

The tragedy of the *Suppliants* is founded upon the incident of their flight over the sea to Argos, to claim the protection of their Argive kindred against the proposed violence of the sons[Pg 355] of Ægyptus, who pursued them. At Argos the Danaidæ declare that they did not depart from Egypt under the sentence of banishment, but fled from men of common descent with themselves, scorning unholy marriage with the sons of *Ægyptus*.404 Their reluctance is placed exclusively upon the fact of kin, thus implying an existing prohibition against such marriages, which they had been trained to respect. After hearing the case of the Suppliants, the Argives in council resolved to afford them protection, which of itself implies the existence of the prohibition of the marriages and the validity of their objection. At the time this tragedy was produced, Athenian law permitted and even required marriage between the children of brothers in the case of heiresses and female orphans, although the rule seems to have been confined to these exceptional cases; such marriages, therefore, would not seem to the

Athenians either incestuous or unlawful; but this tradition of the Danaidæ had come down from a remote antiquity, and its whole significance depended upon the force of the custom forbidding the nuptials. The turning-point of the tradition and its incidents was their inveterate repugnance to the proposed marriages as forbidden by law and custom. No other reason is assigned, and no other is needed. At the same time their conduct is intelligible on the assumption that such marriages were as unpermissible then, as marriage between a brother and sister would be at the present time. The attempt of the sons of Ægyptus to break through the barrier interposed by the Turanian system of consanguinity may mark the time when this system was beginning to give way, and the present system, which came in with monogamy, was beginning to assert itself, and which was destined to set aside gentile usages and Turanian consanguinity by the substitution of fixed degrees as the limits of prohibition.

Upon the evidence adduced it seems probable that among the Pelasgian, Hellenic and Italian tribes descent was originally in the female line, from which, under the influence of prop[Pg 356]erty and inheritance, it was changed to the male line. Whether or not these tribes anciently possessed the Turanian system of consanguinity, the reader will be better able to judge after that system has been presented, with the evidence of its wide prevalence in ancient society.

The length of the traditionary period of these tribes is of course unknown in the years of its duration, but it must be measured by thousands of years. It probably reached back of the invention of the process of smelting iron ore, and if so, passed through the Later Period of barbarism and entered the Middle Period. Their condition of advancement in the Middle Period must have at least equaled that of the Aztecs, Mayas and Peruvians, who were found in the status of the Middle Period; and their condition in the Later Period must have surpassed immensely that of the Indian tribes named. The vast and varied experience of these European tribes in the two great ethnical periods named, during which they achieved the remaining elements of civilization, is entirely lost, excepting as it is imperfectly disclosed in their traditions, and more fully by their acts of life, their customs, language and institutions, as revealed to us by the poems of Homer. Empires and kingdoms were necessarily unknown in these periods; but tribes and inconsiderable nations, city and village life, the growth and development of

the arts of life, and physical, mental and moral improvement, were among the particulars of that progress. The loss of the events of these great periods to human knowledge was much greater than can easily be imagined.

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CHAPTER XV. - GENTES IN OTHER TRIBES OF THE HUMAN FAMILY.

The Scottish Clan.—The Irish Sept.—Germanic Tribes.—Traces of a prior Gentile System.—Gentes in Southern Asiatic Tribes.—In Northern.—In Uralian Tribes.—Hundred Families of Chinese.—Hebrew Tribes.—Composed of Gentes and Phratries Apparently.—Gentes in African Tribes.—In Australian Tribes.—Subdivisions of Fejees And Pewas.—Wide Distribution of Gentile Organization.

Having considered the organization into gentes, phratries and tribes in their archaic as well as later form, it remains to trace the extent of its prevalence in the human family, and particularly with respect to the gens, the basis of the system.

The Celtic branch of the Aryan family retained, in the Scottish clan and Irish sept, the organization into gentes to a later period of time than any other branch of the family, unless the Aryans of India are an exception. The Scottish clan in particular was existing in remarkable vitality in the Highlands of Scotland in the middle of the last century. It was an excellent type of the gens in organization and in spirit, and an extraordinary illustration of the power of the gentile life over its members. The illustrious author of Waverley has perpetuated a number of striking characters developed under clan life, and stamped with its peculiarities. Evan Dhu, Torquil, Rob Roy and many others rise before the mind as illustrations of the influence of the gens in molding the character of individuals. If Sir Walter exaggerated these characters in some respects to suit the emer[Pg 358]gencies of a tale, they had a real foundation. The same clans, a few centuries earlier, when clan life was stronger and external influences were weaker, would probably have verified the pictures. We find in their feuds and blood revenge, in their localization by gentes, in their use of lands in common, in the fidelity of the clansman to his chief and of the members of the clan to each other, the usual and persistent features of gentile society. As portrayed by Scott, it was a more intense and chivalrous gentile life than we are able to find in the gentes of the Greeks and Romans, or, at the other

extreme, in those of the American aborigines. Whether the phratric organization existed among them does not appear; but at some anterior period both the phratry and the tribe doubtless did exist. It is well known that the British government were compelled to break up the Highland clans, as organizations, in order to bring the people under the authority of law and the usages of political society. Descent was in the male line, the children of the males remaining members of the clan, while the children of its female members belonged to the clans of their respective fathers.

We shall pass over the Irish *sept*, the *phis* or *phrara* of the Albanians, which embody the remains of a prior gentile organization, and the traces of a similar organization in Dalmatia and Croatia; and also the Sanskrit ganas, the existence of which term in the language implies that this branch of the Aryan family formerly possessed the same institution. The communities of Villeins on French estates in former times, noticed by Sir Henry Maine in his recent work, may prove to be, as he intimates, remains of ancient Celtic gentes. "Now that the explanation has once been given," he remarks, "there can be no doubt that these associations were not really voluntary partnerships, but groups of kinsmen; not, however, so often organized on the ordinary type of the Village-Community as on that of the House-Community, which has recently been examined in Dalmatia and Croatia. Each of them was what the Hindus call a Joint-Undivided family, a collection of assumed descendants from a common ancestor, preserv[Pg 359]ing a common hearth and common meals during several generations."[405]

A brief reference should be made to the question whether any traces of the gentile organization remained among the German tribes when they first came under historical notice. That they inherited this institution, with other Aryan tribes, from the common ancestors of the Aryan family, is probable. When first known to the Romans, they were in the Upper Status of barbarism. They could scarcely have developed the idea of government further than the Grecian and Latin tribes, who were in advance of them, when each respectively became known. While the Germans may have acquired an imperfect conception of a state, founded upon territory and upon property, it is not probable that they had any knowledge of the second great plan of government which the Athenians were first among Aryan tribes to establish. The condition and mode of life of the German tribes, as

described by Cæsar and Tacitus, tend to the conclusion that their several societies were held together through personal relations, and with but slight reference to territory; and that their government was through these relations. Civil chiefs and military commanders acquired and held office through the elective principle, and constituted the council which was the chief instrument of government. On lesser affairs, Tacitus remarks, the chiefs consult, but on those of greater importance the whole community. While the final decision of all important questions belonged to the people, they were first maturely considered by the chiefs.406 The close resemblance of these to Grecian and Latin usages will be perceived. The government consisted of three powers, the council of chiefs, the assembly of the people, and the military commander.

Cæsar remarks that the Germans were not studious of agriculture, the greater part of their food consisting of milk, cheese and meat; nor had anyone a fixed quantity of land, or his own individual boundaries, but the magistrates and chiefs each year assigned to the gentes and kinsmen who[Pg 360] had united in one body (*gentibus cognationibusque hominum, qui una coerint*) as much land, and in such places as seemed best, compelling them the next year to remove to another place.407 To give effect to the expression in parenthesis, it must be supposed that he found among them groups of persons, larger than a family, united on the basis of kin, to whom, as groups of persons, lands were allotted. It excludes individuals, and even the family, both of whom were merged in the group thus united for cultivation and subsistence. It seems probable, from the form of the statement, that the German family at this time was syndyasmian; and that several related families were united in households and practiced communism in living.

Tacitus refers to a usage of the German tribes in the arrangement of their forces in battle, by which kinsmen were placed side by side. It would have no significance, if kinship were limited to near consanguinei. And what is an especial incitement of their courage, he remarks, neither chance nor a fortuitous gathering of the forces make up the squadron of horse, or the infantry wedge; but they were formed according to families and kinships (*familiæ et propinquitates*).408 This expression, and that previously quoted from Cæsar, seem to indicate the remains at least of a prior gentile

organization, which at this time was giving place to the mark or local district as the basis of a still imperfect political system.

The German tribes, for the purpose of military levies, had the mark (*markgenossenschaft*), which also existed among the English Saxons, and a larger group, the *gau*, to which Cæsar and Tacitus gave the name of *pagus*.409 It is doubtful whether the mark and the *gau* were then strictly geographical districts, standing to each other in the relations of town[Pg 361]ship and county, each circumscribed by bounds, with the people in each politically organized. It seems more probable that the *gau* was a group of settlements associated with reference to military levies. As such, the mark and the *gau* were the germs of the future township and county, precisely as the Athenian naucrary and trittys were the rudiments of the Cleisthenean deme and local tribe. These organizations seemed transitional stages between a gentile and a political system, the grouping of the people still resting on consanguinity.410

We naturally turn to the Asiatic continent, where the types of mankind are the most numerous, and where, consequently, the period of human occupation has been longest, to find the earliest traces of the gentile organization. But here the transformations of society have been the most extended, and the influence of tribes and nations upon each other the most constant. The early development of Chinese and Indian civilization and the overmastering influence of modern civilization have wrought such changes in the con[Pg 362]dition of Asiatic stocks that their ancient institutions are not easily ascertainable. Nevertheless, the whole experience of mankind from savagery to civilization was worked out upon the Asiatic continent, and among its fragmentary tribes the remains of their ancient institutions must now be sought.

Descent in the female line is still very common in the ruder Asiatic tribes; but there are numerous tribes among whom it is traced in the male line. It is the limitation of descent to one line or the other, followed by the organization of the body of consanguinei, thus separated under a common name which indicates a gens.

In the Magar tribe of Nepaul, Latham remarks, “there are twelve thums. All individuals belonging to the same thum are supposed to be descended from the same male ancestor; descent from the same mother being by no means necessary. So husband and wife must belong to different thums. Within one

and the same there is no marriage. Do you wish for a wife? If so, look to the thum of your neighbor; at any rate look beyond your own. This is the first time I have found occasion to mention this practice. It will not be the last; on the contrary, the principle it suggests is so common as to be almost universal. We shall find it in Australia; we shall find it in North and South America; we shall find it in Africa; we shall find it in Europe; we shall suspect and infer it in many places where the actual evidence of its existence is incomplete."411 In this case we have in the *thum* clear evidence of the existence of a gens, with descent in the male line.

"The Munnieporees, and the following tribes inhabiting the hills round Munniepore—the Koupooes, the Mows, the Murams, and the Murring—are each and all divided into four families—Koomul, Looang, Angom, and Ningthajà. A member of any of these families may marry a member of any other, but the intermarriage of members of the same family is strictly prohibited."412 In these families may be recognized four gentes in each of these tribes. Bell, speaking of the *Telûsh* of the Circassians, remarks that "the tra[Pg 363]dition in regard to them is, that the members of each and all sprang from the same stock or ancestry; and thus they may be considered as so many septs or clans.... These cousins german, or members of the same fraternity, are not only themselves interdicted from intermarrying, but their serfs, too, must wed with serfs of another fraternity."413 It is probable that the *telûsh* is a gens.

Among the Bengalese "the four castes are subdivided into many different sects or classes, and each of these is again subdivided; for instance, I am of Nundy tribe [gens?], and if I were a heathen I could not marry a woman of the same tribe, although the caste must be the same. The children are of the tribe of their father. Property descends to the sons. In case the person has no sons, to his daughters; and if he leaves neither, to his nearest relatives. Castes are subdivided, such as *Shuro*, which is one of the first divisions; but it is again subdivided, such as *Khayrl*, *Tilly*, *Tamally*, *Tanty*, *Chomor*, *Kari*, etc. A man belonging to one of these last-named subdivisions cannot marry a woman of the same."414 These smallest groups number usually about a hundred persons, and still retain several of the characteristics of a gens.

Mr. Tyler remarks, that "in India it is unlawful for a Brahman to marry a wife whose clan-name or *ghotra* (literally 'cow-stall') is the same as his own, a prohibition which bars marriage among relatives in the male line

indefinitely. This law appears in the code of Manu as applying to the first three castes, and connexions on the female side are also forbidden to marry within certain wide limits."[415] And again: "Among the Kols of Chota-Nagpur, we find many of the Oraon and Munda clans named after animals, as eel, hawk, crow, heron, and they must not kill or eat what they are named after."[416]

The Mongolians approach the American aborigines quite[Pg 364] nearly in physical characteristics. They are divided into numerous tribes. "The connection," says Latham, "between the members of a tribe is that of blood, pedigree, or descent; the tribe being, in some cases, named after a real or supposed patriarch. The tribe, by which we translate the native name *aimauk*, or *aimâk*, is a large division falling into so many *kokhums*, or banners."[417] The statement is not full enough to show the existence of gentes. Their neighbors, the Tungusians, are composed of subdivisions named after animals, as the horse, the dog, the reindeer, which imply the gentile organizations, but it cannot be asserted without further particulars. Sir John Lubbock remarks of the Kalmucks that according to De Hell, they "are divided into hordes, and no man can marry a woman of the same horde;" and of the Ostiaks, that they "regard it as a crime to marry a woman of the same family or even of the same name;" and that "when a Jakut (Siberia) wishes to marry, he must choose a girl from another clan."[418] We have in each of these cases evidence of the existence of a gens, one of the rules of which, as has been shown, is the prohibition of intermarriage among its members. The Yurak Samoyeds are organized in gentes. Klaproth, quoted by Latham, remarks that "this division of the kinsmanship is so rigidly observed that no Samoyed takes a wife from the kinsmanship to which he himself belongs. On the contrary, he seeks her in one of the other two."[419]

A peculiar family system prevails among the Chinese which seems to embody the remains of an ancient gentile organization. Mr. Robert Hart, of Canton, in a letter to the author remarks, "that the Chinese expression for the people is *Pih-sing*, which means *the Hundred Family Names*; but whether this is mere word-painting, or had its origin at a time when the Chinese general family consisted of one hundred subfamilies or tribes [gentes?] I am unable to determine. At the present day there are about four hundred[Pg 365] family names in this country, among which I find some

that have reference to animals, fruits, metals, natural objects, etc., and which may be translated as Horse, Sheep, Ox, Fish, Bird, Phœnix, Plum, Flower, Leaf, Rice, Forest, River, Hill, Water, Cloud, Gold, Hide, Bristles, etc., etc. In some parts of the country large villages are met with, in each of which there exists but one family name; thus in one district will be found, say, three villages, each containing two or three thousand people, the one of the Horse, the second of the Sheep, and the third of the Ox family name.... Just as among the North American Indians husbands and wives are of different tribes [gentes], so in China husband and wife are always of different families, *i.e.*, of different surnames. Custom and law alike prohibit intermarriage on the part of people having the same family surname. The children are of the father's family, that is, they take his family surname.... Where the father dies intestate the property generally remains undivided, but under the control of the oldest son during the life of the widow. On her death he divides the property between himself and his brothers, the shares of the juniors depending entirely upon the will of the elder brother."

The family here described appears to be a gens, analogous to the Roman in the time of Romulus; but whether it was reintegrated, with other gentes of common descent, in a phratry does not appear. Moreover, the gentiles are still located as an independent consanguine body in one area, as the Roman gentes were localized in the early period, and the names of the gentes are still of the archaic type. Their increase to four hundred by segmentation might have been expected; but their maintenance to the present time, after the period of barbarism has long passed away, is the remarkable fact, and an additional proof of their immobility as a people. It may be suspected also that the monogamian family in these villages has not attained its full development, and that communism in living, and in wives as well, may not be unknown among them. Among the wild aboriginal tribes, who still inhabit the mountain regions of[Pg 366] China and who speak dialects different from the Mandarin, the gens in its archaic form may yet be discovered. To these isolated tribes, we should naturally look for the ancient institutions of the Chinese.

In like manner the tribes of Afghanistan are said to be subdivided into clans; but whether these clans are true gentes has not been ascertained.

Not to weary the reader with further details of a similar character, a sufficient number of cases have been adduced to create a presumption that

the gentile organization prevailed very generally and widely among the remote ancestors of the present Asiatic tribes and nations.

The twelve tribes of the Hebrews, as they appear in the Book of Numbers, represent a reconstruction of Hebrew society by legislative procurement. The condition of barbarism had then passed away, and that of civilization had commenced. The principle on which the tribes were organized, as bodies of consanguinei, presuppose an anterior gentile system, which had remained in existence and was now systematized. At this time they had no knowledge of any other plan of government than a gentile society formed of consanguine groups united through personal relations. Their subsequent localization in Palestine by consanguine tribes, each district named after one of the twelve sons of Jacob, with the exception of the tribe of Levi, is a practical recognition of the fact that they were organized by lineages and not into a community of citizens. The history of the most remarkable nation of the Semitic family has been concentrated around the names of Abraham, Isaac and Jacob, and the twelve sons of the latter.

Hebrew history commences essentially with Abraham, the account of whose forefathers is limited to a pedigree barren of details. A few passages will show the extent of the progress then made, and the status of advancement in which Abraham appeared. He is described as "very rich in cattle, in silver, and in gold."420 For the cave of Machpelah "Abraham weighed to Ephron the silver, which he[Pg 367] had named in the audience of the sons of Heth, four hundred shekels of silver, current *money* with the merchant."421 With respect to domestic life and subsistence, the following passage may be cited: "And Abraham hastened into the tent unto Sarah, and said, Make ready quickly three measures of fine meal; knead *it*, and make cakes upon the hearth."422 "And he took butter and milk, and the calf which he had dressed, and set it before them."423 With respect to implements, raiment and ornaments: "Abraham took the fire in his hand and a knife."424 "And the servant brought forth jewels of silver, and jewels of gold, and raiment, and gave them to Rebekah: he gave also to her brother and to her mother precious things."425 When she met Isaac, Rebekah "took a veil and covered herself."426 In the same connection are mentioned the camel, ass, ox, sheep and goat, together with flocks and herds; the grain mill, the water pitcher, earrings, bracelets, tents, houses and cities. The bow and arrow, the sword, corn and wine, and fields sown with grain, are

mentioned. They indicate the Upper Status of barbarism for Abraham, Isaac and Jacob. Writing in this branch of the Semitic family was probably then unknown. The degree of development shown corresponds substantially with that of the Homeric Greeks.

Early Hebrew marriage customs indicate the presence of the gens, and in its archaic form. Abraham, by his servant, seemingly purchased Rebekah as a wife for Isaac; the "precious things" being given to the brother, and to the mother of the bride, but not to the father. In this case the presents went to the gentile kindred, provided a gens existed, with descent in the female line. Again, Abraham married his half-sister Sarah. "And yet indeed," he says, "she *is* my sister; she is the daughter of my father, but not the daughter of my mother: and she became my wife."427

With an existing gens and descent in the female line Abraham and Sarah would have belonged to different gentes, and although of *blood kin* they were not of *gentile kin*, and[Pg 368] could have married by gentile usage. The case would have been reversed in both particulars with descent in the male line. Nahor married his niece, the daughter of his brother Haran;428 and Amram, the father of Moses, married his aunt, the sister of his father, who became the mother of the Hebrew lawgiver.429 In these cases, with descent in the female line, the persons marrying would have belonged to different gentes; but otherwise with descent in the male line. While these cases do not prove absolutely the existence of gentes, the latter would afford such an explanation of them as to raise a presumption of the existence of the gentile organization in its archaic form.

When the Mosaic legislation was completed the Hebrews were a civilized people, but not far enough advanced to institute political society. The scripture account shows that they were organized in a series of consanguine groups in an ascending scale, analogous to the gens, phratry and tribe of the Greeks. In the muster and organization of the Hebrews, both as a society and as an army, while in the Sinaitic peninsula, repeated references are made to these consanguine groups in an ascending series, the seeming equivalents of a gens, phratry and tribe. Thus, the tribe of Levi consisted of eight gentes, organized in three phratries, as follows:

Tribe of Levi.

Sons of	I.	*Gershon.*	7,500	Males.

Levi.	⌊		
II.		*Kohath.*	8,600 ”
III.		*Merari.*	6,200 ”

I. *Gershonite Phratry.*
Gentes.—1.*Libni.* 2. *Shimei.*

II. *Kohathite Phratry.*
Gentes.—1. *Amram.* 2. *Izhar.* 3. *Hebron.* 4. *Uzziel.*

III. *Merarite Phratry.*
Gentes.—1. *Mahli.* 2. *Mushi.*
[Pg 369]
“Number the children of Levi after the house of their fathers, by their families.... And these were the sons of Levi by their names; Gershon, and Kohath, and Merari. And these were the names of the sons of Gershon by their families; Libni, and Shimei. And the sons of Kohath by their families; Amram, and Izhar, Hebron, and Uzziel. And the sons of Merari by their families; Mahli, and Mushi. These are the families of the Levites by the house of their fathers.”430
The description of these groups sometimes commences with the upper member of the series, and sometimes with the lower or the unit. Thus: “Of the children of Simeon, by their generations, after their families, by the house of their fathers.”431 Here *the children of Simeon, with their generations*, constitute the *tribe*; the *families* are the *phratries*; and *the house of the father* is the *gens*. Again: “And the chief of the house of the father of the families of the Kohathites shall be Elizaphan the son of Uzziel.”432 Here we find the gens first, and then the phratry, and last the tribe. The person named was the chief of the phratry. Each house of the father also had its ensign or banner to distinguish it from others. “Every man of the children of Israel shall pitch by his own standard, with the ensign of their father’s house.”433 These terms describe actual

organizations; and they show that their military organization was by gentes, by phratries and by tribes.

With respect to the first and smallest of these groups, "the house of the father," it must have numbered several hundred persons from the figures given of the number in each phratry. The Hebrew term *beth' ab*, signifies *paternal house*, *house of the father*, and *family house*. If the Hebrews possessed the gens, it was this group of persons. The use of two terms to describe it would leave a doubt, unless individual families under monogamy had then become so numerous and so prominent that this circumlocution was necessary to cover the kindred. We have literally, the house of Amram, of Izhar, of Hebron, and of Uzziel;[Pg 370] but as the Hebrews at that time could have had no conception of a *house* as now applied to a titled family, it probably signified, as used, kindred or lineage.434 Since each division and subdivision is headed by a male, and since Hebrew descents are traced through males exclusively, descent among them, at this time, was undoubtedly in the male line. Next in the ascending scale is the *family*, which seems to be a phratry. The Hebrew term for this organization, *mishpacah*, signifies *union*, *clanship*. It was composed of two or more houses of the father, derived by segmentation from an original group, and distinguished by a phratric name. It answers very closely to the phratry. The family or phratry had an annual sacrificial feast.435 Lastly, the *tribe*, called in Hebrew *matteh*, which signifies a *branch*, *stem* or *shoot*, is the analogue of the Grecian tribe.

Very few particulars are given respecting the rights, privileges and obligations of the members of these bodies of consanguinei. The idea of kin which united each organization from the *house of the father* to the *tribe*, is carried out in a form much more marked and precise than in the corresponding organizations of Grecian, Latin or American Indian tribes. While the Athenian traditions claimed that the four tribes were derived from the four sons of Ion, they did not pretend to explain the origin of the gentes and phratries. On the contrary, the Hebrew account not only derives the twelve tribes genealogically from the twelve sons of Jacob, but also the gentes and phratries from the children and descendants of each. Human experience furnishes no parallel of the growth of gentes and phratries precisely in this way. The account must be explained as a classification of existing consanguine groups, according to the knowledge preserved by

tradition, in doing which minor obstacles were overcome by legislative constraint.

The Hebrews styled themselves the "People of Israel,"[Pg 371] and also a "Congregation."436 It is a direct recognition of the fact that their organization was social, and not political.

In Africa we encounter a chaos of savagery and barbarism. Original arts and inventions have largely disappeared, through fabrics and utensils introduced from external sources; but savagery in its lowest forms, cannibalism included, and barbarism in its lowest forms prevail over the greater part of the continent. Among the interior tribes, there is a nearer approach to an indigenous culture and to a normal condition; but Africa, in the main, is a barren ethnological field.

Although the home of the Negro race, it is well known that their numbers are limited and their areas small. Latham significantly remarks that "the negro is an exceptional African."437 The Ashiras, Aponos, Ishogos and Ashangos, between the Congo and the Niger, visited by Du Chaillu, are of the true negro type. "Each village," he remarks, "had its chief, and further in the interior the villages seemed to be governed by elders, each elder with his people having a separate portion of the village to themselves. There was in each clan the ifoumou, fumou, or acknowledged head of the clan (ifoumou meaning the *source*, the *father*). I have never been able to obtain from the natives a knowledge concerning the splitting of their tribes into clans; they seemed not to know how it happened, but the formation of new clans does not take place now among them.... The house of a chief or elder is not better than those of his neighbors. The despotic form of government is unknown.... A council of the elders is necessary before one is put to death.... Tribes and clans intermarry with each other, and this brings about a friendly feeling among the people. People of the same clan cannot intermarry with each other. The least consanguinity is considered an abomination; nevertheless the nephew has not the slightest objection to take his uncle's wives, and, as among the Balakai, the son takes his father's wives, except his own mother.... Polygamy and slavery exist everywhere among[Pg 372] the tribes I have visited.... The law of inheritance among the Western tribes is, that the next brother inherits the wealth of the eldest (women, slaves, etc.), but that if the youngest dies the eldest inherits his property, and if there are no brothers that the nephew inherits it. The

headship of the clan or family is hereditary, following the same law as that of the inheritance of property. In the case of all the brothers having died, the eldest son of the eldest sister inherits, and it goes on thus until the branch is extinguished, for all clans are considered as descended from the female side."438

All the elements of a true gens are embodied in the foregoing particulars, namely, descent is limited to one line, in this case the female, which gives the gens in its archaic form. Moreover, descent is in the female line with respect to office and to property, as well as the gentile name. The office of chief passes from brother to brother, or from uncle to nephew, that nephew being the son of a sister, as among the American aborigines; whilst the sons are excluded because not members of the gens of the deceased chief. Marriage in the gens is also forbidden. The only material omission in these precise statements is the names of some of the gentes. The hereditary feature requires further explanation.

Among the Banyai of the Zambezi river, who are a people of higher grade than the negroes, Dr. Livingstone observed the following usages: "The government of the Banyai is rather peculiar, being a sort of feudal republicanism. The chief is elected, and they choose the son of a deceased chief's sister in preference to his own offspring. When dissatisfied with one candidate, they even go to a distant tribe for a successor, who is usually of the family of the late chief, a brother, or a sister's son, but never his own son or daughter.... All the wives, goods, and children of his predecessor belong to him."439 Dr. Livingstone does not [Pg 373]give the particulars of their social organization; but the descent of the office of chief from brother to brother, or from uncle to nephew, implies the existence of the gens with descent in the female line.

The numerous tribes occupying the country watered by the Zambezi, and from thence southward to Cape Colony, are regarded by the natives themselves, according to Dr. Livingstone, as one stock in three great divisions, the Bechuanas, the Basutos, and the Kafirs.440 With respect to the former, he remarks that "the Bechuana tribes are named after certain animals, showing probably that in ancient times they were addicted to animal worship like the ancient Egyptians. The term Bakatla means 'they of the Monkey'; Bakuona, 'they of the Alligator'; Batlapi, 'they of the Fish'; each tribe having a superstitious dread of the animal after which it is

called.... A tribe never eats the animal which is its namesake.... We find traces of many ancient tribes in individual members of those now extinct; as Bátau, 'they of the Lion'; Banoga, 'they of the Serpent,' though no such tribes now exist."441 These animal names are suggestive of the gens rather than the tribe. Moreover, the fact that single individuals are found, each of whom was the last survivor of his tribe, would be more likely to have occurred if gens were understood in the place of tribe. Among the Bangalas of the Cassange Valley, in Argola, Livingstone remarks that "a chief's brother inherits in preference to his sons. The sons of a sister belong to her brother; and he often sells his nephews to pay his debts."442 Here again we have evidence of descent in the female line; but his statements are too brief and general in these and other cases to show definitely whether or not they possessed the gens.

Among the Australians the gentes of the Kamilaroi have already been noticed. In ethnical position the aborigines [Pg 374]of this great island are near the bottom of the scale. When discovered they were not only savages, but in a low condition of savagery. Some of the tribes were cannibals. Upon this last question Mr. Fison, before mentioned, writes as follows to the author: "Some, at least, of the tribes are cannibals. The evidence of this is conclusive. The Wide Bay tribes eat not only their enemies slain in battle, but their friends also who have been killed, and even those who have died a natural death, provided they are in good condition. Before eating they skin them, and preserve the skins by rubbing them with mingled fat and charcoal. These skins they prize very highly, believing them to have great medicinal value."

Such pictures of human life enable us to understand the condition of savagery, the grade of its usages, the degree of material development, and the low level of the mental and moral life of the people. Australian humanity, as seen in their cannibal customs, stands on as low a plane as it has been known to touch on the earth. And yet the Australians possessed an area of continental dimensions, rich in minerals, not uncongenial in climate, and fairly supplied with the means of subsistence. But after an occupation which must be measured by thousands of years, they are still savages of the grade above indicated. Left to themselves they would probably have remained for thousands of years to come, not without any, but with such

slight improvement as scarcely to lighten the dark shade of their savage state.

Among the Australians, whose institutions are normal and homogeneous, the organization into gentes is not confined to the Kamilaroi, but seems to be universal. The Narrinyeri of South Australia, near Lacepede Bay are organized in gentes named after animals and insects. Rev. George Taplin, writing to my friend Mr. Fison, after stating that the Narrinyeri do not marry into their own gens, and that the children were of the gens of their father, continues as follows: "There are no castes, nor are there any classes, similar to those of the Kamilaroi-speaking tribes of New[Pg 375] South Wales. But each tribe or family (and a tribe is a family) has its totem, or *ngaitye*; and indeed some individuals have this *ngaitye*. It is regarded as the man's tutelary genius. It is some animal, bird, or insect.... The natives are very strict in their marriage arrangements. A tribe [gens] is considered a family, and a man never marries into his own tribe."

Mr. Fison also writes, "that among the tribes of the Maranoa district, Queensland, whose dialect is called *Urghi*, according to information communicated to me by Mr. A. S. P. Cameron, the same classification exists as among the Kamilaroi-speaking tribes, both as to the class names and the totems." With respect to the Australians of the Darling River, upon information communicated by Mr. Charles G. N. Lockwood, he further remarks, that "they are subdivided into tribes [gentes], mentioning the Emu, Wild Duck, and Kangaroo, but without saying whether there are others, and that the children take both the class name and totem of the mother."443

From the existence of the gentile organization among the tribes named its general prevalence among the Australian aborigines is rendered probable; although the institution, as has elsewhere been pointed out, is in the incipient stages of its development.

Our information with respect to the domestic institutions of the inhabitants of Polynesia, Micronesia and the Papuan Islands is still limited and imperfect. No traces of the gentile organization have been discovered among the Hawaiians, Samoans, Marquesas Islanders or New Zealanders. Their system of consanguinity is still primitive, showing that their institutions have not advanced as far as this organization presupposes.444

In some of the Micronesian Islands the office of chief is transmitted through females;445 but this usage might exist independently of the gens.

The Fijians are subdivided into several tribes speaking dialects[Pg 376] of the same stock language. One of these, the Rewas, consists of four subdivisions under distinctive names, and each of these is again subdivided. It does not seem probable that the last subdivisions are gentes, for the reason, among others, that its members are allowed to intermarry. Descent is in the male line. In like manner the Tongans are composed of divisions, which are again subdivided the same as the Rewas.

Around the simple ideas relating to marriage and the family, to subsistence and to government, the earliest social organizations were formed; and with them an exposition of the structure and principle of ancient society must commence. Adopting the theory of a progressive development of mankind through the experience of the ages, the insulation of the inhabitants of Oceanica, their limited local areas, and their restricted means of subsistence predetermined a slow rate of progress. They still represent a condition of mankind on the continent of Asia in times immensely remote from the present; and while peculiarities, incident to their insulation, undoubtedly exist, these island societies represent one of the early phases of the great stream of human progress. An exposition of their institutions, inventions and discoveries, and mental and moral traits, would supply one of the great needs of anthropological science.

This concludes the discussion of the organization into gentes, and the range of its distribution. The organization has been found among the Australians and African Negroes, with traces of the system in other African tribes. It has been found generally prevalent among that portion of the American aborigines who when discovered were in the Lower Status of barbarism; and also among a portion of the Village Indians who were in the Middle Status of barbarism. In like manner it existed in full vitality among the Grecian and Latin tribes in the Upper Status of barbarism; with traces of it in several of the remaining branches of the Aryan family. The organization has been found, or traces of its existence, in the Turanian, Uralian and Mongolian families; in the Tungusian and Chinese stocks, and[Pg 377] in the Semitic family among the Hebrews. Facts sufficiently numerous and commanding have been adduced to claim for it an ancient universality in the human family, as well as a general prevalence through the latter part of the period of savagery, and throughout the period of barbarism.

The investigation has also arrayed a sufficient body of facts to demonstrate that this remarkable institution was the origin and the basis of Ancient

Society. It was the first organic principle, developed through experience, which was able to organize society upon a definite plan, and hold it in organic unity until it was sufficiently advanced for the transition into political society. Its antiquity, its substantial universality and its enduring vitality are sufficiently shown by its perpetuation upon all the continents to the present time. The wonderful adaptability of the gentile organization to the wants of mankind in these several periods and conditions is sufficiently attested by its prevalence and by its preservation. It has been identified with the most eventful portion of the experience of mankind.

Whether the gens originates spontaneously in a given condition of society, and would thus repeat itself in disconnected areas; or whether it had a single origin, and was propagated from an original center, through successive migrations, over the earth's surface, are fair questions for speculative consideration. The latter hypothesis, with a simple modification, seems to be the better one, for the following reasons: We find that two forms of marriage, and two forms of the family preceded the institution of the gens. It required a peculiar experience to attain to the second form of marriage and of the family, and to supplement this experience by the invention of the gens. This second form of the family was the final result, through natural selection, of the reduction within narrower limits of a stupendous conjugal system which enfolded savage man and held him with a powerful grasp. His final deliverance was too remarkable and too improbable, as it would seem, to be repeated many different times, and in widely separated areas. Groups of consan[Pg 378]guinei, united for protection and subsistence, doubtless, existed from the infancy of the human family; but the gens is a very different body of kindred. It takes a part and excludes the remainder; it organized this part on the bond of kin, under a common name, and with common rights and privileges. Intermarriage in the gens was prohibited to secure the benefits of marrying out with unrelated persons. This was a vital principle of the organism as well as one most difficult of establishment. Instead of a natural and obvious conception, the gens was essentially abstruse; and, as such, a product of high intelligence for the times in which it originated. It required long periods of time, after the idea was developed into life, to bring it to maturity with its uses evolved. The Polynesians had this punaluan family, but failed of inventing the gens; the Australians had the same form of the family and

possessed the gens. It originates in the punaluan family, and whatever tribes had attained to it possessed the elements out of which the gens was formed. This is the modification of the hypothesis suggested. In the prior organization, on the basis of sex, the germ of the gens existed. When the gens had become fully developed in its archaic form it would propagate itself over immense areas through the superior powers of an improved stock thus created. Its propagation is more easily explained than its institution. These considerations tend to show the improbability of its repeated reproduction in disconnected areas. On the other hand, its beneficial effects in producing a stock of savages superior to any then existing upon the earth must be admitted. When migrations were flights under the law of savage life, or movements in quest of better areas, such a stock would spread in wave after wave until it covered the larger part of the earth's surface. A consideration of the principal facts now ascertained bearing upon this question seems to favor the hypothesis of a single origin of the organization into gentes, unless we go back of this to the Australian classes, which gave the punaluan family out of which the gens originated, and regard these classes as the original basis of[Pg 379] ancient society. In this event wherever the classes were established, the gens existed potentially. Assuming the unity of origin of mankind, the occupation of the earth occurred through migrations from an original center. The Asiatic continent must then be regarded as the cradle-land of the species, from the greater number of original types of man it contains in comparison with Europe, Africa and America. It would also follow that the separation of the Negroes and Australians from the common stem occurred when society was organized on the basis of sex, and when the family was punuluan; that the Polynesian migration occurred later, but with society similarly constituted; and finally, that the Ganowánian migration to America occurred later still, and after the institution of the gentes. These inferences are put forward simply as suggestions.

A knowledge of the gens and its attributes, and of the range of its distribution, is absolutely necessary to a proper comprehension of Ancient Society. This is the great subject now requiring special and extended investigation. This society among the ancestors of civilized nations attained its highest development in the last days of barbarism. But there were phases of that same society far back in the anterior ages, which must now be

sought among barbarians and savages in corresponding conditions. The idea of organized society has been a growth through the entire existence of the human race; its several phases are logically connected, the one giving birth to the other in succession; and that form of it we have been contemplating originated in the gens. No other institution of mankind has held such an ancient and remarkable relation to the course of human progress. The real history of mankind is contained in the history of the growth and development of institutions, of which the gens is but one. It is, however, the basis of those which have exercised the most material influence upon human affairs.

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PART III. - GROWTH OF THE IDEA OF THE FAMILY.

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CHAPTER I. - THE ANCIENT FAMILY.

Five successive Forms of the Family.—First, the Consanguine Family.—It created the Malayan System of Consanguinity and Affinity.—Second, the Punaluan.—It created the Turanian and Ganowánian System.—Third, the Monogamian.—It created the Aryan, Semitic, and Uralian System.—The Syndyasmian and Patriarchal Families Intermediate.—Both failed to create a System of Consanguinity.—These Systems Natural Growths.—Two Ultimate Forms.—One Classificatory, the other Descriptive.—General Principles of these Systems.—Their persistent Maintenance.

We have been accustomed to regard the monogamian family as the form which has always existed; but interrupted in exceptional areas by the patriarchal. Instead of this, the idea of the family has been a growth through successive stages of development, the monogamian being the last in its series of forms. It will be my object to show that it was preceded by more ancient forms which prevailed universally throughout the period of savagery, through the Older and into the Middle Period of barbarism; and that neither the monogamian nor the patriarchal can be traced back of the Later Period of barbarism. They were essentially modern. Moreover, they were impossible in ancient society, until an anterior experience under earlier forms in every race of mankind had prepared the way for their introduction.

Five different and successive forms may now be distinguished, each having an institution of marriage peculiar to itself. They are the following:

[Pg 384]

I. *The Consanguine Family.*

It was founded upon the intermarriage of brothers and sisters, own and collateral, in a group.

II. *The Punaluan Family.*

It was founded upon the intermarriage of several sisters, own and collateral, with each others' husbands, in a group; the joint husbands not being

necessarily kinsmen of each other. Also, on the intermarriage of several brothers, own and collateral, with each others' wives, in a group; these wives not being necessarily of kin to each other, although often the case in both instances. In each case the group of men were conjointly married to the group of women.

III. *The Syndyasmian or Pairing Family.*

It was founded upon marriage between single pairs, but without an exclusive cohabitation. The marriage continued during the pleasure of the parties.

IV. *The Patriarchal Family.*

It was founded upon the marriage of one man with several wives; followed, in general, by the seclusion of the wives.

V. *The Monogamian Family.*

It was founded upon marriage between single pairs, with an exclusive cohabitation.

Three of these forms, namely, the first, second, and fifth, were radical; because they were sufficiently general and influential to create three distinct systems of consanguinity, all of which still exist in living forms. Conversely, these systems are sufficient of themselves to prove the antecedent existence of the forms of the family and of marriage, with which they severally stand connected. The remaining two, the syndyasmian and the patriarchal, were intermediate, and not sufficiently influential upon human affairs to create a new, or modify essentially the then existing system of consanguinity. It will not be supposed that these types of the family are separated from each other by sharply defined lines; on the contrary, the first passes into the second, the second into the third, and the third into the fifth by insensible gradations. The propositions[Pg 385] to be elucidated and established are, that they have sprung successively one from the other, and that they represent collectively the growth of the idea of the family.

In order to explain the rise of these several forms of the family and of marriage, it will be necessary to present the substance of the system of consanguinity and affinity which pertains to each. These systems embody compendious and decisive evidence, free from all suspicion of design, bearing directly upon the question. Moreover, they speak with an authority and certainty which leave no room to doubt the inferences therefrom. But a

system of consanguinity is intricate and perplexing until it is brought into familiarity. It will tax the reader's patience to look into the subject far enough to be able to test the value and weight of the evidence it contains. Having treated at length, in a previous work, the "Systems of Consanguinity and Affinity of the Human Family,"446 I shall confine the statements herein to the material facts, reduced to the lowest number consistent with intelligibility, making reference to the other work for fuller details, and for the general Tables. The importance of the main proposition as a part of the history of man, namely, that the family has been a growth through several successive forms, is a commanding reason for the presentation and study of these systems, if they can in truth establish the fact. It will require this and the four succeeding chapters to make a brief general exhibition of the proof.

The most primitive system of consanguinity yet discovered is found among the Polynesians, of which the Hawaiian will be used as typical. I have called it the Malayan system. Under it all consanguinei, near and remote, fall within some one of the following relationships; namely, parent, child, grandparent, grandchild, brother, and sister. No other blood relationships are recognized. Beside these are the marriage relationships. This system of consanguinity came in with the first form of the family, the consanguine, and contains the principal evidence of its ancient existence. It may seem a narrow basis for so important an inference:[Pg 386] but if we are justified in assuming that each relationship as recognized was the one which actually existed, the inference is fully sustained. This system prevailed very generally in Polynesia, although the family among them had passed out of the consanguine into the punaluan. It remained unchanged because no motive sufficiently strong, and no alteration of institutions sufficiently radical had occurred to produce its modification. Intermarriage between brothers and sisters had not entirely disappeared from the Sandwich Islands when the American missions, about fifty years ago, were established among them. Of the ancient general prevalence of this system of consanguinity over Asia there can be no doubt, because it is the basis of the Turanian system still prevalent in Asia. It also underlies the Chinese.

In course of time, a second great system of consanguinity, the Turanian, supervened upon the first, and spread over a large part of the earth's surface. It was universal among the North American aborigines, and has

been traced sufficiently among those of South America to render probable its equally universal prevalence among them. Traces of it have been found in parts of Africa; but the system of the African tribes in general approaches nearer the Malayan. It still prevails in South India among the Hindus who speak dialects of the Dravidian language, and also, in a modified form, in North India, among the Hindus who speak dialects of the Gaura language. It also prevails in Australia in a partially developed state, where it seems to have originated either in the organization into classes, or in the incipient organization into gentes, which led to the same result. In the principal tribes of the Turanian and Ganowánian families, it owes its origin to punaluan marriage in the group and to the gentile organization, the latter of which tended to repress consanguine marriages. It has been shown how this was accomplished by the prohibition of intermarriage in the gens, which permanently excluded own brothers and sisters from the marriage relation. When the Turanian system of consanguinity came[Pg 387] in, the form of the family was punaluan. This is proven by the fact that punaluan marriage in the group explains the principal relationships under the system; showing them to be those which would actually exist in virtue of this form of marriage. Through the logic of the facts we are enabled to show that the punaluan family was once as wide-spread as the Turanian system of consanguinity. To the organization into gentes and the punaluan family, the Turanian system of consanguinity must be ascribed. It will be seen in the sequel that this system was formed out of the Malayan, by changing those relationships only which resulted from the previous intermarriage of brothers and sisters, own and collateral, and which were, in fact, changed by the gentes; thus proving the direct connection between them. The powerful influence of the gentile organization upon society, and particularly upon the punaluan group, is demonstrated by this change of systems.

The Turanian system is simply stupendous. It recognizes all the relationships known under the Aryan system, besides an additional number unnoticed by the latter. Consanguinei, near and remote, are classified into categories; and are traced, by means peculiar to the system, far beyond the ordinary range of the Aryan system. In familiar and in formal salutation, the people address each other by the term of relationship, and never by the personal name, which tends to spread abroad a knowledge of the system as well as to preserve, by constant recognition, the relationship of the most

distant kindred. Where no relationship exists, the form of salutation is simply “my friend.” No other system of consanguinity found among men approaches it in elaborateness of discrimination or in the extent of special characteristics.

When the American aborigines were discovered, the family among them had passed out of the punaluan into the syndyasmian form; so that the relationships recognized by the system of consanguinity were not those, in a number of cases, which actually existed in the syndyasmian family. It was an exact repetition of what had occurred under the[Pg 388] Malayan system, where the family had passed out of the consanguine into the punaluan, the system of consanguinity remaining unchanged; so that while the relationships given in the Malayan system were those which actually existed in the consanguine family, they were untrue to a part of those in the punaluan family. In like manner, while the relationships given in the Turanian system are those which actually existed in the punaluan family, they were untrue to a part of those in the syndyasmian. The form of the family advances faster of necessity than systems of consanguinity, which follow to record the family relationships. As the establishment of the punaluan family did not furnish adequate motives to reform the Malayan system, so the growth of the syndyasmian family did not supply adequate motives to reform the Turanian. It required an institution as great as the gentile organization to change the Malayan system into the Turanian; and it required an institution as great as property in the concrete, with its rights of ownership and of inheritance, together with the monogamian family which it created, to overthrow the Turanian system of consanguinity and substitute the Aryan.

In further course of time a third great system of consanguinity came in, which may be called, at pleasure, the Aryan, Semitic, or Uralian, and probably superseded a prior Turanian system among the principal nations, who afterwards attained civilization. It is the system which defines the relationships in the monogamian family. This system was not based upon the Turanian, as the latter was upon the Malayan; but it superseded among civilized nations a previous Turanian system, as can be shown by other proofs.

The last four forms of the family have existed within the historical period; but the first, the consanguine, has disappeared. Its ancient existence,

however, can be deduced from the Malayan system of consanguinity. We have then three radical forms of the family, which represent three great and essentially different conditions of life, with three different and well-marked systems of consanguinity,[Pg 389] sufficient to prove the existence of these families, if they contained the only proofs remaining. This affirmation will serve to draw attention to the singular permanence and persistency of systems of consanguinity, and to the value of the evidence they embody with respect to the condition of ancient society.

Each of these families ran a long course in the tribes of mankind, with a period of infancy, of maturity, and of decadence. The monogamian family owes its origin to property, as the syndyasmian, which contained its germ, owed its origin to the gens. When the Grecian tribes first came under historical notice, the monogamian family existed; but it did not become completely established until positive legislation had determined its status and its rights. The growth of the idea of property in the human mind, through its creation and enjoyment, and especially through the settlement of legal rights with respect to its inheritance, are intimately connected with the establishment of this form of the family. Property became sufficiently powerful in its influence to touch the organic structure of society. Certainty with respect to the paternity of children would now have a significance unknown in previous conditions. Marriage between single pairs had existed from the Older Period of barbarism, under the form of pairing during the pleasure of the parties. It had tended to grow more stable as ancient society advanced, with the improvement of institutions, and with the progress of inventions and discoveries into higher successive conditions; but the essential element of the monogamian family, an exclusive cohabitation, was still wanting. Man far back in barbarism began to exact fidelity from the wife, under savage penalties, but he claimed exemption for himself. The obligation is necessarily reciprocal, and its performance correlative. Among the Homeric Greeks, the condition of woman in the family relation was one of isolation and marital domination, with imperfect rights and excessive inequality. A comparison of the Grecian family, at successive epochs, from the Homeric age to that of Pericles, shows a sensible[Pg 390] improvement, with its gradual settlement into a defined institution. The modern family is an unquestionable improvement upon that of the Greeks and Romans; because woman has gained immensely in social position. From standing in the relation of a daughter to her husband, as among the Greeks and

Romans, she has drawn nearer to an equality in dignity and in acknowledged personal rights. We have a record of the monogamian family, running back nearly three thousand years, during which, it may be claimed, there has been a gradual but continuous improvement in its character. It is destined to progress still further, until the equality of the sexes is acknowledged, and the equities of the marriage relation are completely recognized. We have similar evidence, though not so perfect, of the progressive improvement of the syndyasmian family, which, commencing in a low type, ended in the monogamian. These facts should be held in remembrance, because they are essential in this discussion.

In previous chapters attention has been called to the stupendous conjugal system which fastened itself upon mankind in the infancy of their existence, and followed them down to civilization; although steadily losing ground with the progressive improvement of society. The ratio of human progress may be measured to some extent by the degree of the reduction of this system through the moral elements of society arrayed against it. Each successive form of the family and of marriage is a significant registration of this reduction. After it was reduced to zero, and not until then, was the monogamian family possible. This family can be traced far back in the Later Period of barbarism, where it disappears in the syndyasmian.

Some impression is thus gained of the ages which elapsed while these two forms of the family were running their courses of growth and development. But the creation of five successive forms of the family, each differing from the other, and belonging to conditions of society entirely dissimilar, augments our conception of the length of the periods during which the idea of the family was developed[Pg 391] from the consanguine, through intermediate forms, into the still advancing monogamian. No institution of mankind has had a more remarkable or more eventful history, or embodies the results of a more prolonged and diversified experience. It required the highest mental and moral efforts through numberless ages of time to maintain its existence and carry it through its several stages into its present form.

Marriage passed from the punaluan through the syndyasmian into the monogamian form without any material change in the Turanian system of consanguinity. This system, which records the relationships in punaluan families, remained substantially unchanged until the establishment of the

monogamian family, when it became almost totally untrue to the nature of descents, and even a scandal upon monogamy. To illustrate: Under the Malayan system a man calls his brother's son his son, because his brother's wife is his wife as well as his brother's; and his sister's son is also his son because his sister is his wife. Under the Turanian system his brother's son is still his son, and for the same reason, but his sister's son is now his nephew, because under the gentile organization his sister has ceased to be his wife. Among the Iroquois, where the family is syndyasmian, a man still calls his brother's son his son, although his brother's wife has ceased to be his wife; and so with a large number of relationships equally inconsistent with the existing form of marriage. The system has survived the usages in which it originated, and still maintains itself among them, although untrue in the main, to descents as they now exist. No motive adequate to the overthrow of a great and ancient system of consanguinity had arisen. Monogamy when it appeared furnished that motive to the Aryan nations as they drew near to civilization. It assured the paternity of children and the legitimacy of heirs. A reformation of the Turanian system to accord with monogamian descents was impossible. It was false to monogamy through and through. A remedy, however, existed, at once simple and complete. The Turanian system was dropped, and the descriptive method, which the Turanian tribes[Pg 392] always employed when they wished to make a given relationship specific, was substituted in its place. They fell back upon the bare facts of consanguinity and described the relationship of each person by a combination of the primary terms. Thus, they said brother's son, brother's grandson; father's brother, and father's brother's son. Each phrase described a person, leaving the relationship a matter of implication. Such was the system of the Aryan nations, as we find it in its most ancient form among the Grecian, Latin, Sanskritic, Germanic, and Celtic tribes; and also in the Semitic, as witness the Hebrew Scripture genealogies. Traces of the Turanian system, some of which have been referred to, remained among the Aryan and Semitic nations down to the historical period; but it was essentially uprooted, and the descriptive system substituted in its place.

To illustrate and confirm these several propositions it will be necessary to take up, in the order of their origination, these three systems and the three radical forms of the family, which appeared in connection with them respectively. They mutually interpret each other.

A system of consanguinity considered in itself is of but little importance. Limited in the number of ideas it embodies, and resting apparently upon simple suggestions, it would seem incapable of affording useful information, and much less of throwing light upon the early condition of mankind. Such, at least, would be the natural conclusion when the relationships of a group of kindred are considered in the abstract. But when the system of many tribes is compared, and it is seen to rank as a domestic institution, and to have transmitted itself through immensely protracted periods of time, it assumes a very different aspect. Three such systems, one succeeding the other, represent the entire growth of the family from the consanguine to the monogamian. Since we have a right to suppose that each one expresses the actual relationships which existed in the family at the time of its establishment, it reveals, in turn, the form of marriage and of the family which then pre[Pg 393]vailed, although both may have advanced into a higher stage while the system of consanguinity remained unchanged. It will be noticed, further, that these systems are natural growths with the progress of society from a lower into a higher condition, the change in each case being marked by the appearance of some institution affecting deeply the constitution of society. The relationship of mother and child, of brother and sister, and of grandmother and grandchild have been ascertainable in all ages with entire certainty; but those of father and child, and of grandfather and grandchild were not ascertainable with certainty until monogamy contributed the highest assurance attainable. A number of persons would stand in each of these relations at the same time as equally probable when marriage was in the group. In the rudest conditions of ancient society these relationships would be perceived, both the actual and the probable, and terms would be invented to express them. A system of consanguinity would result in time from the continued application of these terms to persons thus formed into a group of kindred. But the form of the system, as before stated, would depend upon the form of marriage. Where marriages were between brothers and sisters, own and collateral, in the group, the family would be consanguine, and the system of consanguinity, Malayan. Where marriages were between several sisters with each other’s husbands in a group, and between several brothers with each other’s wives in a group, the family would be punaluan, and the system of consanguinity Turanian; and where marriage was between single pairs, with an exclusive cohabitation, the family would be monogamian, and the system of consanguinity would

be Aryan. Consequently the three systems are founded upon three forms of marriage; and they seek to express, as near as the fact could be known, the actual relationship which existed between persons under these forms of marriage respectively. It will be seen, therefore, that they do not rest upon nature, but upon marriage; not upon fictitious considerations, but upon fact; and that each in its turn is a logical as well as truthful system. The evidence[Pg 394] they contain is of the highest value, as well as of the most suggestive character. It reveals the condition of ancient society in the plainest manner with unerring directness.

These systems resolve themselves into two ultimate forms, fundamentally distinct. One of these is *classificatory*, and the other *descriptive*. Under the first, consanguinei are never described, but are classified into categories, irrespective of their nearness or remoteness in degree to *Ego*; and the same term of relationship is applied to all the persons in the same category. Thus my own brothers, and the sons of my father's brothers are all alike my brothers; my own sisters, and the daughters of my mother's sisters are all alike my sisters; such is the classification under both the Malayan and Turanian systems. In the second case consanguinei are described either by the primary terms of relationship or a combination of these terms, thus making the relationship of each person specific. Thus we say brother's son, father's brother, and father's brother's son. Such was the system of the Aryan, Semitic, and Uralian families, which came in with monogamy. A small amount of classification was subsequently introduced by the invention of common terms; but the earliest form of the system, of which the Erse and Scandinavian are typical, was purely descriptive, as illustrated by the above examples. The radical difference between the two systems resulted from plural marriages in the group in one case, and from single marriages between single pairs in the other.

While the descriptive system is the same in the Aryan, Semitic, and Uralian families, the classificatory has two distinct forms. First, the Malayan, which is the oldest in point of time; and second, the Turanian and Ganowánian, which are essentially alike and were formed by the modification of a previous Malayan system.

A brief reference to our own system of consanguinity will bring into notice the principles which underlie all systems.

Relationships are of two kinds: First, by consanguinity or blood; second, by affinity or marriage. Consanguinity[Pg 395] is also of two kinds, lineal and

collateral. Lineal consanguinity is the connection which subsists among persons of whom one is descended from the other. Collateral consanguinity is the connection which exists between persons who are descended from common ancestors, but not from each other. Marriage relationships exist by custom.

Not to enter too specially into the subject, it may be stated generally that in every system of consanguinity, where marriage between single pairs exists, there must be a lineal and several collateral lines, the latter diverging from the former. Each person is the centre of a group of kindred, the *Ego* from whom the degree of relationship of each person is reckoned, and to whom the relationship returns. His position is necessarily in the lineal line, and that line is vertical. Upon it may be inscribed, above and below him, his several ancestors and descendants in a direct series from father to son, and these persons together will constitute his right lineal male line. Out of this trunk line emerge the several collateral lines, male and female, which are numbered outwardly. It will be sufficient for a perfect knowledge of the system to recognize the main lineal line, and a single male and female branch of the first five collateral lines, including those on the father's side, and on the mother's side, and proceeding in each case from the parent to one only of his or her children, although it will include but a small portion of the kindred of *Ego*, either in the ascending or descending series. An attempt to follow all the divisions and branches of the several collateral lines, which increase in number in the ascending series in a geometrical ratio, would not render the system more intelligible.

The first collateral line, male, consists of my brother and his descendants; and the first, female, of my sister and her descendants. The second collateral line, male, on the father's side, consists of my father's brother and his descendants; and the second, female, of my father's sister and her descendants: the second, male, on the mother's side, is composed of my mother's brother and his descendants; and the second, female, of my mother's sister and her[Pg 396] descendants. The third collateral line, male, on the father's side, consists of my grandfather's brother and his descendants; and the third, female, of my grandfather's sister and her descendants: on the mother's side the same line, in its male and female branches, is composed of my grandmother's brother and sister and their descendants respectively. It will be noticed, in the last case, that we have

turned out of the lineal line on the father's side into that on the mother's side. The fourth collateral line, male and female, commences with great-grandfather's brother and sister, and great-grandmother's brother and sister: and the fifth collateral line, male and female, with great-great-grandfather's brother and sister; and with great-great-grandmother's brother and sister, and each line and branch is run out in the same manner as the third. These five lines, with the lineal, embrace the great body of our kindred, who are within the range of practical recognition.

An additional explanation of these several lines is required. If I have several brothers and sisters, they, with their descendants, constitute as many lines, each independent of the other, as I have brothers and sisters; but altogether they form my first collateral line in two branches, a male and a female. In like manner, the several brothers and sisters of my father, and of my mother, with their respective descendants, make up as many lines, each independent of the other, as there are brothers and sisters; but they all unite to form the second collateral line in two divisions, that on the father's side, and that on the mother's side; and in four principal branches, two male, and two female. If the third collateral line were run out fully, in its several branches, it would give four general divisions of ancestors, and eight principal branches; and the number of each would increase in the same ratio in each successive collateral line.

With such a mass of divisions and branches, embracing such a multitude of consanguinei, it will be seen at once that a method of arrangement and of description which maintained each distinct and rendered the whole intelli[Pg 397]gible would be no ordinary achievement. This task was perfectly accomplished by the Roman civilians, whose method has been adopted by the principal European nations, and is so entirely simple as to elicit admiration.447 The development of the nomenclature to the requisite extent must have been so extremely difficult that it would probably never have occurred except under the stimulus of an urgent necessity, namely, the need of a code of descents to regulate the inheritance of property.

To render the new form attainable, it was necessary to discriminate the relationships of uncle and aunt on the father's side and on the mother's side by concrete terms, an achievement made in a few only of the languages of mankind. These terms finally appeared among the Romans in *patruus* and *amita*, for uncle and aunt on the father's side, and in *avunculus* and

matertera for the same on the mother's side. After these were invented, the improved Roman method of describing consanguinei became established.448 It has been adopted, in its essential features, by the several branches of the Aryan family, with the exception of the Erse, the Scandinavian, and the Slavonic.

The Aryan system necessarily took the descriptive form when the Turanian was abandoned, as in the Erse. Every relationship in the lineal and first five collateral lines, to the number of one hundred and more, stands independent, requiring as many descriptive phases, or the gradual invention of common terms.

It will be noticed that the two radical forms—the classificatory and the descriptive—yield nearly the exact line of demarkation between the barbarous and civilized nations. Such a result might have been predicted from the law of[Pg 398] progress revealed by these several forms of marriage and of the family.

Systems of consanguinity are neither adopted, modified, nor laid aside at pleasure. They are identified in their origin with organic movements of society which produced a great change of condition. When a particular form had come into general use, with its nomenclature invented and its methods settled, it would, from the nature of the case, be very slow to change. Every human being is the centre of a group of kindred, and therefore every person is compelled to use and to understand the prevailing system. A change in any one of these relationships would be extremely difficult. This tendency to permanence is increased by the fact that these systems exist by custom rather than legal enactment, as growths rather than artificial creations, and therefore a motive to change must be as universal as the usage. While every person is a party to the system, the channel of its transmission is the blood. Powerful influences thus existed to perpetuate the system long after the conditions under which each originated had been modified or had altogether disappeared. This element of permanence gives certainty to conclusions drawn from the facts, and has preserved and brought forward a record of ancient society which otherwise would have been entirely lost to human knowledge.

It will not be supposed that a system so elaborate as the Turanian could be maintained in different nations and families of mankind in absolute identicalness. Divergence in minor particulars is found, but the radical features are, in the main, constant. The system of consanguinity of the

Tamil people, of South India, and that of the Seneca-Iroquois, of New York, are still identical through two hundred relationships; an application of natural logic to the facts of the social condition without a parallel in the history of the human mind. There is also a modified form of the system, which stands alone and tells its own story. It is that of the Hindi, Bengali, Marâthi and other people of North India, formed by a combination of the Aryan and Turanian systems. A civilized people, the Brahmins, coalesced with a barbarous[Pg 399] stock, and lost their language in the new vernaculars named, which retain the grammatical structure of the aboriginal speech, to which the Sanskrit gave ninety per cent. of its vocables. It brought their two systems of consanguinity into collision, one founded upon monogamy or syndyasmy, and the other upon plural marriages in the group, resulting in a mixed system. The aborigines, who preponderated in number, impressed upon it a Turanian character, while the Sanskrit element introduced such modifications as saved the monogamian family from reproach. The Slavonic stock seems to have been derived from this intermixture of races. A system of consanguinity which exhibits but two phases through the periods of savagery and of barbarism and projects a third but modified form far into the period of civilization, manifests an element of permanence calculated to arrest attention.

It will not be necessary to consider the patriarchal family founded upon polygamy. From its limited prevalence it made but little impression upon human affairs.

The house life of savages and barbarians has not been studied with the attention the subject deserves. Among the Indian tribes of North America the family was syndyasmian; but they lived generally in joint-tenement houses and practiced communism within the household. As we descend the scale in the direction of the punaluan and consanguine families, the household group becomes larger, with more persons crowded together in the same apartment. The coast tribes in Venezuela, among whom the family seems to have been punaluan, are represented by the discoverers as living in bell-shaped houses, each containing a hundred and sixty persons.449 Husbands and wives lived together in a group in the same house, and generally in the same apartment. The inference is reasonable that this mode of house life was very general in savagery.

An explanation of the origin of these systems of consanguinity and affinity will be offered in succeeding chapters. They will be grounded upon the forms of marriage and of[Pg 400] the family which produced them, the existence of these forms being assumed. If a satisfactory explanation of each system is thus obtained, the antecedent existence of each form of marriage and of the family may be deduced from the system it explains. In a final chapter an attempt will be made to articulate in a sequence the principal institutions which have contributed to the growth of the family through successive forms. Our knowledge of the early condition of mankind is still so limited that we must take the best indications attainable. The sequence to be presented is, in part, hypothetical; but it is sustained by a sufficient body of evidence to commend it to consideration. Its complete establishment must be left to the results of future ethnological investigations.

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CHAPTER II. - THE CONSANGUINE FAMILY.

Former Existence of this Family.—Proved by Malayan System of Consanguinity.—Hawaiian System used as Typical.—Five Grades of Relations.—Details of System.—Explained by the Intermarriage of Brothers and Sisters in a Group.—Early State of Society in the Sandwich Islands.—Nine Grades of Relations of the Chinese.—Identical in Principle with the Hawaiian.—Five Grades of Relations in Ideal Republic of Plato.—Table of Malayan System of Consanguinity and Affinity.

The existence of the Consanguine family must be proved by other evidence than the production of the family itself. As the first and most ancient form of the institution, it has ceased to exist even among the lowest tribes of savages. It belongs to a condition of society out of which the least advanced portion of the human race have emerged. Single instances of the marriage of a brother and sister in barbarous and even in civilized nations have occurred within the historical period; but this is very different from the intermarriage of a number of them in a group, in a state of society in which such marriages predominated and formed the basis of a social system. There are tribes of savages in the Polynesian and Papuan Islands, and in Australia, seemingly not far removed from the primitive state; but they have advanced beyond the condition the consanguine family implies. Where, then, it may be asked, is the evidence that such a family ever existed among mankind? Whatever proof is adduced must be conclusive, otherwise the[Pg 402] proposition is not established. It is found in a system of consanguinity and affinity which has outlived for unnumbered centuries the marriage customs in which it originated, and which remains to attest the fact that such a family existed when the system was formed.

That system is the Malayan. It defines the relationships that would exist in a consanguine family; and it demands the existence of such a family to account for its own existence. Moreover, it proves with moral certainty the existence of a consanguine family when the system was formed.

This system, which is the most archaic yet discovered, will now be taken up for the purpose of showing, from its relationships, the principal facts stated. This family, also, is the most archaic form of the institution of which any knowledge remains.

Such a remarkable record of the condition of ancient society would not have been preserved to the present time but for the singular permanence of systems of consanguinity. The Aryan system, for example, has stood near three thousand years without radical change, and would endure a hundred thousand years in the future, provided the monogamian family, whose relationships it defines, should so long remain. It describes the relationships which actually exist under monogamy, and is therefore incapable of change, so long as the family remains as at present constituted. If a new form of the family should appear among Aryan nations, it would not affect the present system of consanguinity until after it became universal; and while in that case it might modify the system in some particulars, it would not overthrow it, unless the new family were radically different from the monogamian. It was precisely the same with its immediate predecessor, the Turanian system, and before that with the Malayan, the predecessor of the Turanian in the order of derivative growth. An antiquity of unknown duration may be assigned to the Malayan system which came in with the consanguine family, remained for an indefinite period after the punaluan family appeared, and seems to have been displaced in other tribes by the[Pg 403] Turanian, with the establishment of the organization into gentes.

The inhabitants of Polynesia are included in the Malayan family. Their system of consanguinity has been called the Malayan, although the Malays proper have modified their own in some particulars. Among the Hawaiians and other Polynesian tribes there still exists in daily use a system of consanguinity which is given in the Table, and may be pronounced the oldest known among mankind. The Hawaiian and Rotuman[450] forms are used as typical of the system. It is the simplest, and therefore the oldest form, of the classificatory system, and reveals the primitive form on which the Turanian and Ganowánian were afterwards engrafted.

It is evident that the Malayan could not have been derived from any existing system, because there is none, of which any conception can be formed, more elementary. The only blood relationships recognized are the primary, which are five in number, without distinguishing sex. All consanguinei, near and remote, are classified under these relationships into five categories. Thus, myself, my brothers and sisters, and my first, second, third, and more remote male and female cousins, are the first grade or category. All these, without distinction, are my brothers and sisters. The word *cousin* is here used in our sense, the relationship being unknown in Polynesia. My father and mother, together with their brothers and sisters, and their first, second, and more remote cousins, are the second grade. All these, without distinction, are my parents. My grandfathers and grandmothers, on the father's side and on the mother's side, with their brothers and sisters, and their several cousins, are the third grade. All these are my grandparents. Below me, my sons and daughters, with their several cousins, as before, are the fourth grade. All these, without distinction, are my children. My grandsons and granddaughters, with their several cousins, are the fifth grade. All these in like manner[Pg 404] are my grand-children. Moreover, all the individuals of the same

grade are brothers and sisters to each other. In this manner all the possible kindred of any given person are brought into five categories; each person applying to every other person in the same category with himself or herself the same term of relationship. Particular attention is invited to the five grades of relations in the Malayan system, because the same classification appears in the "Nine Grades of Relations" of the Chinese, which are extended so as to include two additional ancestors and two additional descendants, as will elsewhere be shown. A fundamental connection between the two systems is thus discovered.

There are terms in Hawaiian for grandparent, *Kupŭnă*; for parent, *Măkŭa*; for child, *Kaikee*; and for grandchild, *Moopŭnă*. Gender is expressed by adding the terms *Käna*, for male, and *Wäheena*, for female; thus, *Kupŭnă Käna* = grandparent male, and *Kupŭnă Wäheena*, grandparent female. They are equivalent to grandfather and grandmother, and express these relationships in the concrete. Ancestors and descendants, above and below those named, are distinguished numerically, as first, second, third, when it is necessary to be specific; but in common usage *Kupŭnă* is applied to all persons above grandparent, and *Moopŭnă* is applied to all descendants below grandchild.

The relationships of brother and sister are conceived in the twofold form of elder and younger, and separate terms are applied to each; but it is not carried out with entire completeness. Thus, in Hawaiian, from which the illustrations will be taken, we have:

Elder Brother, Male	Speaking,	*Kaikŭaäna*.	Female	Speaking,	*Kaikŭnäna*.
Younger Brother, "	"	*Kaikaina*.	"	"	*Kaikŭnäna*.
Elder Sister, "	"	*Kaikŭwäheena*.	"	"	*Kaikŭaäna*.
Younger Sister, "	"	*Kaikŭwäheena*.	"	"	*Kaikaina*.451

It will be observed that a man calls his elder brother *Kaikŭaäna*, and that a woman calls her elder sister the same; that a man calls his younger brother *Kaikaina*, and a woman calls her younger sister the same: hence these terms[Pg 405] are in common gender, and suggest the same idea found in the Karen system, namely, that of predecessor and successor in birth.452 A single term is used by the males for elder and younger sister, and a single term by the females for elder and younger brother. It thus appears that while a man's brothers are classified into elder and younger, his sisters are not; and, while a woman's sisters are classified into elder and younger, her brothers are not. A double set of terms are thus developed, one of which is used by the males and the other by the females, a peculiarity which reappears in the system of a number of Polynesian tribes.453 Among savage and barbarous tribes the relationships of brother and sister are seldom conceived in the abstract.

The substance of the system is contained in the five categories of consanguinei; but there are special features to be noticed which will require the presentation in detail of the first three collateral lines. After these are shown the connection of the system with the intermarriage of brothers and sisters, own and collateral, in a group, will appear in the relationships themselves.

First collateral line. In the male branch, with myself a male, the children of my brother, speaking as a Hawaiian, are my sons and daughters, each of them calling me father; and the children of the latter are my grandchildren, each of them calling me grandfather.

In the female branch my sister's children are my sons and daughters, each of them calling me father; and their children are my grandchildren, each of them calling me grandfather. With myself a female, the relationships of the persons above named are the same in both branches, with corresponding changes for sex.

The husbands and wives of these several sons and daughters are my sons-in-law and daughters-in-law; the terms being used in common gender, and having the terms for male and female added to each respectively.

Second collateral line. In the male branch on the father's side my father's brother is my father, and calls me[Pg 406] his son; his children are my brothers and sisters, elder or younger; their children are my sons and daughters; and the children of the latter are my grandchildren, each of them in the preceding and succeeding cases applying to me the proper correlative. My father's sister is my mother; her children are my brothers and sisters, elder or younger; their children are my sons and daughters; and the children of the latter are my grandchildren.

In the same line on the mother's side my mother's brother is my father; his children are my brothers and sisters; their children are my sons and daughters; and the children of the latter are my grandchildren. My mother's sister is my mother; her children are my brothers and sisters; their children are my sons and daughters; and the children of the latter are my grandchildren. The relationships of the persons named in all the branches of this and the succeeding lines are the same with myself a female.

The wives of these several brothers, own and collateral, are my wives as well as theirs. When addressing either one of them, I call her my wife, employing the usual term to express that connection. The husbands of these several women, jointly such with myself, are my brothers-in-law. With myself a female the husbands of my several

sisters, own and collateral, are my husbands as well as theirs. When addressing either of them, I use the common term for husband. The wives of these several husbands, who are jointly such with myself, are my sisters-in-law.
Third collateral line. In the male branch of this line on the father's side, my grandfather's brother is my grandfather; his children are my father's and mother's; their children are my brothers and sisters, elder or younger; the children of the latter are my sons and daughters; and their children are my grandchildren. My grandfather's sister is my grandmother; and her children and descendants follow in the same relationships as in the last case.
In the same line on the mother's side, my grandmother's brother is my grandfather; his sister is my grandmother; and their respective children and descendants fall[Pg 407] into the same categories as those in the first branch of this line.
The marriage relationships are the same in this as in the second collateral line, thus increasing largely the number united in the bonds of marriage.
As far as consanguinei can be traced in the more remote collateral lines, the system, which is all-embracing, is the same in its classifications. Thus, my great-grandfather in the fourth collateral line is my grandfather; his son is my grandfather also; the son of the latter is my father; his son is my brother, elder or younger; and his son and grandson are my son and grandson.
It will be observed that the several collateral lines are brought into and merged in the lineal line, ascending as well as descending; so that the ancestors and descendants of my collateral brothers and sisters become mine as well as theirs. This is one of the characteristics of the classificatory system. None of the kindred are lost.
From the simplicity of the system it may be seen how readily the relationships of consanguinei are known and recognized, and how a knowledge of them is preserved from generation to generation. A single rule furnishes an illustration: the children of brothers are themselves brothers and sisters; the children of the latter are brothers and sisters; and so downward indefinitely. It is the same with the children and descendants of sisters, and of brothers and sisters.
All the members of each grade are reduced to the same level in their relationships, without regard to nearness or remoteness in numerical degrees; those in each grade standing to *Ego* in an identical relationship. It follows, also, that knowledge of the numerical degrees formed an integral part of the Hawaiian system, without which the proper grade of each person could not be known. The simple and distinctive character of the system will arrest attention, pointing with such directness as it does, to the intermarriage of brothers and sisters, own and collateral, in a group, as the source from whence it sprung.
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Poverty of language or indifference to relationships exercised no influence whatever upon the formation of the system, as will appear in the sequel.
The system, as here detailed, is found in other Polynesian tribes besides the Hawaiians and Rotumans, as among the Marquesas Islanders, and the Maoris of New Zealand. It prevails, also, among the Samoans, Kusaiens, and King's Mill Islanders of Micronesia,454 and without a doubt in every inhabited island of the Pacific, except where it verges upon the Turanian.
From this system the antecedent existence of the consanguine family, with the kind of marriage appertaining thereto, is plainly deducible. Presumptively it is a natural and real system, expressing the relationships which actually existed when the system was formed, as near as the parentage of children could be known. The usages with respect to marriage which then prevailed may not prevail at the present time. To sustain the deduction it is not necessary that they should. Systems of consanguinity, as before stated, are found to remain substantially unchanged and in full vigor long after the marriage customs in which they originated have in part or wholly passed away. The small number of independent systems of consanguinity created during the extended period of human experience is sufficient proof of their permanence. They are found not to change except in connection with great epochs of progress. For the purpose of explaining the origin of the Malayan system, from the nature of descents, we are at liberty to assume the antecedent intermarriage of own and collateral brothers and sisters in a group; and if it is then found that the principal relationships recognized are those that would actually exist under this form of marriage, then the system itself becomes evidence conclusive of the existence of such marriages. It is plainly inferable that the system originated in plural marriages of consanguinei, including own brothers and sisters; in fact commenced with the intermarriage of the latter, and gradually enfolded the collateral[Pg 409] brothers and sisters as the range of the conjugal system widened. In course of time the evils of the first form of marriage came to be perceived, leading, if not to its direct abolition, to a preference for wives beyond this degree. Among the Australians it was permanently abolished by the organization into classes, and more widely among the Turanian tribes by the organization into gentes. It is impossible to explain the system as a natural growth upon any other hypothesis than the one named, since this form of marriage alone can furnish a key to its interpretation. In the

consanguine family, thus constituted, the husbands lived in polygyny, and the wives in polyandry, which are seen to be as ancient as human society. Such a family was neither unnatural nor remarkable. It would be difficult to show any other possible beginning of the family in the primitive period. Its long continuance in a partial form among the tribes of mankind is the greater cause for surprise; for all traces of it had not disappeared among the Hawaiians at the epoch of their discovery.

The explanation of the origin of the Malayan system given in this chapter, and of the Turanian and Ganowánian given in the next, have been questioned and denied by Mr. John F. McLennan, author of "Primitive Marriage." I see no occasion, however, to modify the views herein presented, which are the same substantially as those given in "Systems of Consanguinity," etc. But I ask the attention of the reader to the interpretation here repeated, and to a note at the end of Chapter VI, in which Mr. McLennan's objections are considered.

If the recognized relationships in the Malayan system are now tested by this form of marriage, it will be found that they rest upon the intermarriage of own and collateral brothers and sisters in a group.

It should be remembered that the relationships which grow out of the family organization are of two kinds: those of blood determined by descents, and those of affinity determined by marriage. Since in the consanguine family there are two distinct groups of persons, one of fathers and one[Pg 410] of mothers, the affiliation of the children to both groups would be so strong that the distinction between relationships by blood and by affinity would not be recognized in the system in every case.

I. All the children of my several brothers, myself a male, are my sons and daughters.

Reason: Speaking as a Hawaiian, all the wives of my several brothers are my wives as well as theirs. As it would be impossible for me to distinguish my own children from those of my brothers, if I call any one my child, I must call them all my children. One is as likely to be mine as another.

II. All the grandchildren of my several brothers are my grandchildren.

Reason: They are the children of my sons and daughters.

III. With myself a female the foregoing relationships are the same.

This is purely a question of relationship by marriage. My several brothers being my husbands, their children by other wives would be my step-children, which relationship being unrecognized, they naturally fall into the category of my sons and daughters. Otherwise they would pass without the system. Among ourselves a step-mother is called mother, and a step-son a son.

IV. All the children of my several sisters, own and collateral, myself a male, are my sons and daughters.

Reason: All my sisters are my wives, as well as the wives of my several brothers.

V. All the grandchildren of my several sisters are my grandchildren.

Reason: They are the children of my sons and daughters.

VI. All the children of my several sisters, myself a female, are my sons and daughters.

Reason: The husbands of my sisters are my husbands as well as theirs. This difference, however, exists: I can distinguish my own children from those of my sisters, to the latter of whom I am a step-mother. But since this relationship is not discriminated, they fall into the category[Pg 411] of my sons and daughters. Otherwise they would fall without the system.

VII. All the children of several own brothers are brothers and sisters to each other.

Reason: These brothers are the husbands of all the mothers of these children. The children can distinguish their own mothers, but not their fathers, wherefore, as to the former, a part are own brothers and sisters, and step-brothers and step-sisters to the remainder; but as to the latter, they are probable brothers and sisters. For these reasons they naturally fall into this category.

VIII. The children of these brothers and sisters are also brothers and sisters to each other; the children of the latter are brothers and sisters again, and this relationship continues downward among their descendants indefinitely. It is precisely the same with the children and descendants of several own sisters, and of several brothers and sisters. An infinite series is thus created, which is a fundamental part of the system. To account for this series it must be further assumed that the marriage relation extended wherever the relationship of brother and sister was recognized to exist; each brother having as many wives as he had sisters, own or collateral, and each sister having as many husbands as she had brothers, own or collateral. Marriage and the family seem to form in the grade or category, and to be coextensive with it. Such apparently was the beginning of that stupendous conjugal system which has before been a number of times adverted to.

IX. All the brothers of my father are my fathers; and all the sisters of my mother are my mothers.

Reasons, as in I, III, and VI.

X. All the brothers of my mother are my fathers.

Reason: They are my mother's husbands.

XI. All the sisters of my mother are my mothers.
Reasons, as in VI.
XII. All the children of my collateral brothers and sisters are, without distinction, my sons and daughters.
Reasons, as in I, III, IV, VI.
[Pg 412]
XIII. All the children of the latter are my grandchildren.
Reasons, as in II.
XIV. All the brothers and sisters of my grandfather and grandmother, on the father's side and on the mother's side, are my grandfathers and grandmothers.
Reason: They are the fathers and mothers of my father and mother.
Every relationship recognized under the system is thus explained from the nature of the consanguine family, founded upon the intermarriage of brothers and sisters, own and collateral, in a group. Relationships on the father's side are followed as near as the parentage of children could be known, probable fathers being treated as actual fathers. Relationships on the mother's side are determined by the principle of affinity, step-children being regarded as actual children.
Turning next to the marriage relationships, confirmatory results are obtained, as the following table will show:

	Tongan.		Hawaiian.					
My	Brother's Wife,	Male	speaking.	Unoho,	My	Wife.	Waheena,	My W
”	Wife's Sister,	”	”	Unoho,	”	”	Waheena,	” W
”	Husband's Brother,	Female	”	Unoho,	”	Husband.	Kane,	” Hu
”	Father's Brother's Son's Wife	Male	”	Unoho,	”	Wife.	Waheena,	” W
”	Mother's Sister's Son's Wife	”	”	Unoho,	”	”	Waheena,	” ”
„	Father's Brother's Daughter's Husb.	Female	”	Unoho,	”	Husband.	Kaikoeka,	” Br law.
”	Mother's Sister's Daughter's Husb.	”	”	Unoho,	”	”	Kaikoeka,	” ”

Wherever the relationship of wife is found in the collateral line, that of husband must be recognized in the lineal, and conversely.[455] When this system of consanguinity and affinity first came into use the relationships, which are still preserved, could have been none other than those which actually existed, whatever may have afterwards occurred in marriage usages.
From the evidence embodied in this system of consan[Pg 413]guinity the deduction is made that the consanguine family, as defined, existed among the ancestors of the Polynesian tribes when the system was formed. Such a form of the family is necessary to render an interpretation of the system possible. Moreover, it furnishes an interpretation of every relationship with reasonable exactness.
The following observation of Mr. Oscar Peschel is deserving of attention: "That at any time and in any place the children of the same mother have propagated themselves sexually, for any long period, has been rendered especially incredible, since it has been established that even in the case of organisms devoid of blood, such as the plants, reciprocal fertilization of the descendants of the same parents is to a great extent impossible."[456] It must be remembered that the consanguine group united in the marriage relation was not restricted to own brothers and sisters; but it included collateral brothers and sisters as well. The larger the group recognizing the marriage relation, the less the evil of close interbreeding.
From general considerations the ancient existence of such a family was probable. The natural and necessary relations of the consanguine family to the punaluan, of the punaluan to the syndyasmian, and of the syndyasmian to the monogamian, each presupposing its predecessor, lead directly to this conclusion. They stand to each other in a logical sequence, and together stretch across several ethnical periods from savagery to civilization.
In like manner the three great systems of consanguinity, which are connected with the three radical forms of the family, stand to each other in a similarly connected series, running parallel with the former, and indicating not less plainly a similar line of human progress from savagery to civilization. There are reasons for concluding that the remote ancestors of the Aryan, Semitic, and Uralian families possessed a system identical with the Malayan when in the savage state, which was finally modified into the Turanian after the establishment of the gentile organization, and then[Pg 414] overthrown when the monogamian family appeared, introducing the Aryan system of consanguinity.
Notwithstanding the high character of the evidence given, there is still other evidence of the ancient existence of the consanguine family among the Hawaiians which should not be overlooked.
Its antecedent existence is rendered probable by the condition of society in the Sandwich Islands when it first became thoroughly known. At the time the American missions were established upon these Islands (1820), a state

of society was found which appalled the missionaries. The relations of the sexes and their marriage customs excited their chief astonishment. They were suddenly introduced to a phase of ancient society where the monogamian family was unknown, where the syndyasmian family was unknown; but in the place of these, and without understanding the organism, they found the punaluan family, with own brothers and sisters not entirely excluded, in which the males were living in polygyny, and the females in polyandry. It seemed to them that they had discovered the lowest level of human degradation, not to say of depravity. But the innocent Hawaiians, who had not been able to advance themselves out of savagery, were living, no doubt respectably and modestly for savages, under customs and usages which to them had the force of laws. It is probable that they were living as virtuously in their faithful observance, as these excellent missionaries were in the performance of their own. The shock the latter experienced from their discoveries expresses the profoundness of the expanse which separates civilized from savage man. The high moral sense and refined sensibilities, which had been a growth of the ages, were brought face to face with the feeble moral sense and the coarse sensibilities of a savage man of all these periods ago. As a contrast it was total and complete. The Rev. Hiram Bingham, one of these veteran missionaries, has given us an excellent history of the Sandwich Islands, founded upon original investigations, in which he pictures the people as practicing the sum of human abominations.[Pg 415] "Polygamy, implying plurality of husbands and wives," he observes, "fornication, adultery, incest, infant murder, desertion of husband and wives, parents and children; sorcery, covetousness, and oppression extensively prevailed, and seem hardly to have been forbidden by their religion."457 Punaluan marriage and the punaluan family dispose of the principal charges in this grave indictment, and leave the Hawaiians a chance at a moral character. The existence of morality, even among savages, must be recognized, although low in type; for there never could have been a time in human experience when the principle of morality did not exist. Wakea, the eponymous ancestor of the Hawaiians, according to Mr. Bingham, is said to have married his eldest daughter. In the time of these missionaries brothers and sisters married without reproach. "The union of brother and sister in the highest ranks," he further remarks, "became fashionable, and continued until the revealed will of God was made known to them."458 It is not singular that the intermarriage of brothers and sisters should have survived from the consanguine family into the punaluan in some cases, in the Sandwich Islands, because the people had not attained to the gentile organization, and because the punaluan family was a growth out of the consanguine not yet entirely consummated. Although the family was substantially punaluan, the system of consanguinity remained unchanged, as it came in with the consanguine family, with the exception of certain marriage relationships.

It is not probable that the actual family, among the Hawaiians, was as large as the group united in the marriage relation. Necessity would compel its subdivision into smaller groups for the procurement of subsistence, and for mutual protection; but each smaller family would be a miniature of the group. It is not improbable that individuals passed at pleasure from one of these subdivisions into another in the punaluan as well as consanguine family, giving rise to that apparent desertion by husbands and wives of each other, and by parents of their children, men[Pg 416]tioned by Mr. Bingham. Communism in living must, of necessity, have prevailed both in the consanguine and in the punaluan family, because it was a requirement of their condition. It still prevails generally among savage and barbarous tribes.

A brief reference should be made to the "Nine Grades of Relations of the Chinese." An ancient Chinese author remarks as follows: "All men born into the world have nine ranks of relations. My own generation is one grade, my father's is one, that of my grandfather's is one, that of my grandfather's father is one, and that of my grandfather's grandfather is one; thus, above me are four grades: My son's generation is one, that of my grandson's is one, that of my grandson's son is one, and that of my grandson's grandson is one; thus, below me are four grades; including myself in the estimate, there are, in all nine grades. These are brethren, and although each grade belongs to a different house or family, yet they are all my relations, and these are the nine grades of relations."

"The degrees of kindred in a family are like the streamlets of a fountain, or the branches of a tree; although the streams differ in being more or less remote, and the branches in being more or less near, yet there is but one trunk and one fountain head."459

The Hawaiian system of consanguinity realizes the nine grades of relations (conceiving them reduced to five by striking off the two upper and the two lower members) more perfectly than that of the Chinese at the present time.460 While the latter has changed through the introduction of Turanian elements, and still more through special additions to distinguish the several collateral lines, the former has held, pure and simple, to the primary grades which presumptively were all the Chinese possessed originally. It is evident that consanguinei, in the Chinese as in the Hawaiian, are generalized into categories by generations; all collaterals of the same grade being

brothers and sisters to each[Pg 417] other. Moreover, marriage and the family are conceived as forming within the grade, and confined, so far as husbands and wives are concerned, within its limits. As explained by the Hawaiian categories it is perfectly intelligible. At the same time it indicates an anterior condition among the remote ancestors of the Chinese, of which this fragment preserves a knowledge, precisely analogous to that reflected by the Hawaiian. In other words, it indicated the presence of the punaluan family when these grades were formed, of which the consanguine was a necessary predecessor.

In the "Timæus" of Plato there is a suggestive recognition of the same five primary grades of relations. All consanguinei in the Ideal Republic were to fall into five categories, in which the women were to be in common as wives, and the children in common as to parents. "But how about the procreation of children?" Socrates says to Timæus. "This, perhaps, you easily remember, on account of the novelty of the proposal; for we ordered that marriage unions and children should be in common to all persons whatsoever, special care being taken also that no one should be able to distinguish his own children individually, but all consider all their kindred; regarding those of an equal age, and in the prime of life, as their brothers and sisters, those prior to them, and yet further back as their parents and grandsires, and those below them, as their children and grandchildren."461 Plato undoubtedly was familiar with Hellenic and Pelasgian traditions not known to us, which reached far back into the period of barbarism, and revealed traces of a still earlier condition of the Grecian tribes. His ideal family may have been derived from these delineations, a supposition far more probable than that it was a philosophical deduction. It will be noticed that his five grades of relations are precisely the same as the Hawaiian; that the family was to form in each grade where the relationship was that of brothers and sisters; and that husbands and wives were to be in common in the group.

Finally, it will be perceived that the state of society indi[Pg 418]cated by the consanguine family points with logical directness to an anterior condition of promiscuous intercourse. There seems to be no escape from this conclusion, although questioned by so eminent a writer as Mr. Darwin.462 It is not probable that promiscuity in the primitive period was long continued even in the horde; because the latter would break up into smaller groups for subsistence, and fall into consanguine families. The most that can safely be claimed upon this difficult question is, that the consanguine family was the first organized form of society, and that it was necessarily an improvement upon the previous unorganized state, whatever that state may have been. It found mankind at the bottom of the scale, from which, as a starting point, and the lowest known, we may take up the history of human progress, and trace it through the growth of domestic institutions, inventions, and discoveries, from savagery to civilization. By no chain of events can it be shown more conspicuously than in the growth of the idea of the family through successive forms. With the existence of the consanguine family established, of which the proofs adduced seem to be sufficient, the remaining families are easily demonstrated.

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[Pg 423]

System of Relationship of the Hawaiians and Rotumans.

Transcriber's Note: Abbreviations: fa=father, mo=mother, GF=Grandfather, GM=Grandmother, GD=Granddaughter, GS=Grandson, bro=Brother, str=sister, gt=great, dau=daughter ms=male speaking, fs=female speaking, otm=older than myself, ytm=younger than myself. End of Transcriber's Note.

Vowel Sounds.—a, as in ale; ă, as in at; ä, as in father; ĭ, as in it; ŭ, as oo in food; kä′-na = male; wä-hee′-na = female.

Description Persons.	By Hon. Thomas of Miller. Relationship in Hawaiian.	Translation	By Rev. John Osborne. Relationship in Rotuman.	Translation	
1	My gt-GF	kŭ-pŭ′-na	My GP	mä-pĭ-ga fă	My GP, male
2	" GF's bro	"	" "	" "	" " "
3	" " str	"	" "	" hon′-ĭ	" " female
4	" " GM	"	" "	" "	" " "
5	" "	"	" "	" "	" "

	GM's str				"	
6	" GF	"	" "	" fa	" male	
7	" GM	"	" "	" hon′-ĭ	" female	
8	" fa	mä-kŭ′-ă kä′-na	" parent, male	oi-fä	" fa	
9	" mo	mä-kŭ-ă wä-hee′-na	" parent, female	oi-hon′-ĭ	" mo	
10	" son	käi′-kee kä′-na	" child, male	le′-e fä	" child, male	
11	" dau	käi′-kee wä-hee′-na	" child, female	le′-e hon′-ĭ	" female	
12	" GS	moo-pŭ′-nă kă′-na	" grandchild, male	mä-pĭ-ga fä	" grandchild, male	
13	" GD	moo-pŭ′-nă wä-hee′-na	" " female	" hon′-ĭ	" " female	
14	" gt-GS	" kă′-na	" " male	" fä	" " male	
15	" " GD	" wä-hee′-na	" " female	" hon′-ĭ	" " female	
16	" gt-gt-GS	" kă′-na	" " male	" fä	" " male	
17	" " " GD	" wä-hee′-na	" " female	" hon′-ĭ	" " female	
18	" older bro	(*ms*)	käi-kŭ-a-ă′-na	" bro, older	sä-sĭ-gĭ	" bro, older
19	" " "	(*fs*)	käi-kŭ-nä′-na	" bro, older	sag′-ve-ven′-ĭ	" bro, older
20	" " str	(*ms*)	käi-kŭ-wä-hee′-na	" str, older	sag-hon′-ĭ	" str, older
21	" " "	(*fs*)	käi-kŭ-a-ă′-na	" str, older	sa-sĭ-gĭ	" str, older
22	" younger bro	(*ms*)	käi-ka-i′-na	" bro, younger	sa-sĭ-gĭ	" bro, younger
23	" " "	(*fs*)	käi-kŭ-nä′-na	" "	sag′-ve-ven′-ĭ	" "
24	" " str	(*ms*)	käi-kŭ-wä-hee′-na	" str, younger	sag-hon′-ĭ	" str, younger
25	" " "	(*fs*)	käi-ka-i′-na	" "	sa-sĭ-gĭ	" "
26	" bro's son	(*ms*)	käi′-kee kä′-na	" child, male	le′-e fä	" child, male
27	" "	(*ms*)	hŭ-no′-nă	" son-in-law	le′-e hon′-ĭ	" "

	son's wife					female
28	" dau	(*ms*)	käi′-kee wä-hee′-na	" child, female	le′-e-hon′-ĭ	" "
29	" dau's husb	(*ms*)	hŭ-no′-nă	" dau-in-law	le′-e fă	" male
30	" GS	(*ms*)	moo-pŭ′-nă kă′-na	" grandchild, male	mă-pĭ-ga fă	" grandchild, male
31	" GD	(*ms*)	" wä-hee′-na	" female	" hon′-ĭ	" female
32	" gt-GS	(*ms*)	" kă′-na	" male	" fă	" male
33	" gt-GD	(*ms*)	" wä-hee′-na	" female	" hon′-ĭ	" female
34	" str's son	(*ms*)	käi′-kee kă′-na	" child, male	le′-e fă	" child, male
35	" son's wife	(*ms*)	hŭ-no′-nă	" dau-in-law	le′-e hon′-ĭ	" female
36	" dau	(*ms*)	käi-kee wä-hee′-na	" child, female	le′-e-hon′-ĭ	" "
37	" dau's husb	(*ms*)	hŭ-no′-nă	" son-in-law	le′-e fă	" male
38	" GS	(*ms*)	moo-pŭ′-nă kă′-na	" grandchild, male	mă-pĭ-ga fă	" grandchild, male
39	" GD	(*ms*)	" wä-hee′-na	" grandchild, female	mă-pĭ-ga hon′-ĭ	" grandchild, female
40	" gt-GD	(*ms*)	" kă′-na	" male	" fă	" male
41	" gt-GD	(*ms*)	" wä-hee′-na	" female	" hon′-ĭ	" female
42	" bro's son	(*fs*)	käi′-kee kă′-na	" child, male	le′-e fă	" child, male
43	" son's wife	(*fs*)	hŭ-no′-nă	" dau-in-law	le′-e hon′-ĭ	" female
44	" dau	(*fs*)	käi′-kee wä-hee′-na	" child, female	le′-e hon′-ĭ	" female
45	" dau's husb	(*fs*)	hŭ-no′-nă	" son-in-law	le′-e fă	" male
46	" GS	(*fs*)	moo-pŭ′-nă kă′-na	" grandchild, male	mă-pĭ-ga fă	" grandchild, male
47	" GD	(*fs*)	" wä-hee′-na	" female	" hon′-ĭ	" female
48	"	(*fs*)	"	"	"	"

	" gt-GS		kä′-na	" male	fă	" male
49	" gt-GD	(*fs*)	" wä-hee′-na	" female	" hon′-ĭ	" female
50	" str's son	(*fs*)	käi′-kee kä′-na	" child, male	le′-e fă	" child, male
51	" son's wife	(*fs*)	hŭ-no′-nă	" dau-in-law	le′-e hon′-ĭ	" female
52	" dau	(*fs*)	käi′-kee wä-hee′-na	" child, female	le′-e hon′-ĭ	" "
53	" dau's husb	(*fs*)	hŭ-no′-na	" son-in-law	le′-e fă	" male
54	" GS	(*fs*)	moo-pŭ′-nă kä′-na	" grandchild, male	mă-pĭ-ga fă	" grandchild, male
55	" GD	(*fs*)	" wä-hee′-na	" female	" hon′-ĭ	" female
56	" gt-GS	(*fs*)	" kä′-na	" male	" fă	" male
57	" gt-GD	(*fs*)	" wä-hee′-na	" female	" hon′-ĭ	" female
58	" fa's bro		mă-kŭ′-ă kä′-na	" parent, male	oi-fă	" parent, male
59	" " wife		mă-kŭ′-a wä-hee′-na	" female	oi-fă	" female
60	" " son	(*oms*)	käi′-kŭ-a-ă′-na	" bro, older	să-sĭ-gĭ	" bro
61	" " "	(*yms*)	käi′-ka-i-na	" younger	să-sĭ-gĭ	" "
62	" " son's wife		wä-hee′-na	" wife	sag-hon′-ĭ	" str
63	" " dau,	(*oms*)	käi′-ku-wä-hee′-na	" str	sag-hon′-ĭ	"
64	" " "	(*yms*)	"	"	"	"
65	" " dau's husb		käi′-ko-ee′-kă	" bro-in-law	să-sĭ-gĭ	" bro
66	" " "		käi′-kee kä′-na	" child, male	le′-e fă	" child, male

	son's son					
	"			"		"
67	"		käi′-kee wä-hee′-na	"	le′-e hon′-ĭ	"
	"			female		female
	dau					
	"			"		"
68	"		käi′-kee kä′-na	"	le′-e fă	"
	dau's son			male		male
	"			"		"
69	"		"	"	le′-e hon′-ĭ	"
	"		wä-hee′-na	female		female
	dau					
	"			"		"
70	"		moo-pŭ′-nă kä′-na	grandchild, male	mä-pĭ-ga fă	grandchild, male
	gt-GS					
	"			"		"
71	"		"	"	"	"
	gt-GD		wä-hee′-na	female	hon′-ĭ	female
	"			"		"
72	"		"	"	"	"
	gt−gt−GS		kä′-na	male	fă	male
	"			"		"
73	"		"	"	"	"
	gt-gt-GD		wä-hee′-na	female	hon′-ĭ	female
74	"		mä-kŭ′-ă wä-hee′-na	"	oi-hon′-ĭ	"
	fa's str			parent, female		parent, female
	"		"	"		"
75	"		kä′-na	"	oi-fă	"
	str's husb			male		male
	"			"		"
76	"	(*oms*)	käi′-kŭ-a-ă′-na	bro, older	să-sĭ-gĭ	bro
	son					
	"			"		"
77	"	(*yms*)	käi′-ka-i-na	"	"	"
	son			younger		
	"			"		"
78	"		wä-hee′-na	wife	sag-hon′-ĭ	str
	son's wife					
	"			"		"
79	"		käi′-kŭ wä-hee′-na	str	"	"
	dau					
	"			"		"
80	"		kai-ko-ee′-kä	bro-in-law	să-sĭ-gĭ	bro
	dau's husb					
	"			"		"
81	"		käi′-kee kä′-na	child, male	le′-e fă	child, male
	son's son					
82	"		käi′-kee wä-hee′-na	"	le′-e hon′-ĭ	"
	"			"		"

	"		female		female
	son's dau				
	"				
	"	"	"	"	"
83	"	kä′-na	male	fä	male
	dau's son				
84	"				

	"					
	"	"	"	"	"	
	dau's dau	wä-hee′-na	" female	hon′-ĭ	" female	
85	" " gt-GS		moo-pŭ′-nă kä′-na	" grandchild, male	mä-pĭ-ga fä	" grandchild, male
86	" " gt-GD	" wä-hee′-na	" " female	" hon′-ĭ	" " female	
87	" " gt-gt-GS	" kä′-na	" " male	" fä	" " male	
88	" " gt-gt-GD	" wä-hee′-na	" " female	" hon′-ĭ	" " female	
89	" mo's bro	mä-kŭ-ă kä′-na	" parent, male	oi-fä	" parent, male	
90	" " bro's wife	" wä-hee′-na	" " female	oi-hon′-ĭ	" " female	
91	" " son	(*oms*)	käi′-kŭ-a-ä′-na	" bro, older	sä-sĭ-gĭ	" bro
92	" " son	(*yms*)	käi′-ka-i′-na	" younger	"	" "
93	" " son's wife	wä-hee′-na	" wife	sag-hon′-ĭ	" str	

94	" " " dau	käi′-kŭ-wä-hee′-na	" str	"	" "
95	" " " dau's husb	käi′-ko-ee′-kä	" bro-in-law	sä-sĭ-gĭ	" bro
96	" " " son's son	käi′-kee kä′-na	" child, male	le′-e fä	" child, male
97	" " " dau	" wä-hee′-na	" " female	" hon′-ĭ	" " female
98	" " " dau's son	" kä′-na	" " male	" fä	" " male
99	" " " dau's dau	" wä-hee′-na	" " female	" hon′-ĭ	" " female
99	" " " dau's dau	" wä-hee′-na	" " female	" hon′-ĭ	" " female
100	" " " gt-GS	moo-pŭ′-nă kä′-na	" grandchild, male	mä-pĭ-ga fä	" grandchild, male
101	" " " gt-D	" wä-hee′-na	" " female	" hon′-ĭ	" " female

102	" " " gt-gt-GS		" kä′-na	" " male	" fä	" " male
103	" " " gt-gt-GD		" wä-hee′-na	" " female	" hon′-ĭ	" " female
104	" mo's str		mä-kŭ-ă wä-hee′-na	" parent, female	oi-hon′-ĭ	" parent, female
105	" " str's husb		" kä′-na	" " male	oi-fä	" " male
106	" " " son	(*oms*)	käi′-ku-ä-ä′-na	" bro, older	sä-sĭ-gĭ	" bro
107	" " " son	(*yms*)	käi′-ka-i-na	" " younger	"	" "
108	" " " son's wife		wä-hee′-na	" wife	sag-hon′-ĭ	" str
109	" " " dau		käi′-kŭ wä-hee′-na	" str	sag-hon′-ĭ	" "
110	" " " dau's husb		käi′-ko-ee′-kä	" bro-in-law	sä-sĭ-gĭ	" bro
111	" " "		käi′-kee kä′-na	" child, male	le′-e fä	" child, male

	son's son				
	"		"		"
112	"	käi′-kee wä-hee′-na	"	le′-e hon′-ĭ	"
	son's dau		female		female
	"		"		"
113	"	käi′-kee kä′-na	"	le′-e fä	"
	dau's son		male		male
	"		"		"
114	"	käi′-kee wä-hee′-na	"	le′-e hon′-ĭ	"
	dau's dau		female		female
	"		"		"
115	"	moo-pŭ′-nă kä′-na	grandchild, male	mä-pĭ-ga fä	grandchild, male
	gt-GS				
	"		"		"
116	"	moo-pŭ′-nă wä-hee′-na	"	mä-pĭ-ga hon′-ĭ	"
	gt-GD		female		female
	"		"		"
117	"	moo-pŭ′-nă kä′-na	"	mä-pĭ-ga fä	"
	gt-gt-GS		male		male
	"		"		"
118	"	moo-pŭ′-nă wä-hee′-na	"	mä-pĭ-ga hon′-ĭ	"
	gt-gt-GD		female		female
	"				
119	fa's fa's bro	kŭ-pŭ′-nă kä′-na	" GP, male	mä-pĭ-ga fä	" GP, male
	"		"		"
120	"	mä-kŭ′-ă kä′-na	parent, male	oi-fä	parent, male
	bro's son				
121	"	mä-kŭ′-ă wä-hee′-na	" female	oi-hon′-ĭ	" female
	"				

	" dau					
122	" " " GS	(*older*)	käi′-kŭ-a-ä′-na	" bro, elder	sä-sĭ-gĭ	" bro
123	" " " GD	(*older*)	käi′-kŭ wä-hee′-na	" str, elder	sag-hon′-ĭ	" str
124	" " " gt-GS		käi′-kee kä′-na	" child, male	le′-e fä	" child, male
[Pg 422]125	" " " gt-GD		käi′-kee wä-hee′-na	" " female	le'-e hon′-ĭ	" " female
126	" " " gt-gt-GS		moo-pŭ-nă kä′-na	" grandchild, male	mä-pĭ-ga fä	" grandchild, male
127	" " " gt-gt-GD		moo-pŭ-nă wä-hee′na	" " female	" hon′-ĭ	" " female
128	" " str		kŭ-pŭ′-nă wä-hee′-na	" GP female	" hon′-ĭ	" GP female
129	" " str's son		mä-kŭ-ă kä′-na	" parent, male	oi-fä	" parent, male
130	"		"	"	oi-hon′-ĭ	"

	"		wä-hee′-na	female		"
	"					female
	"					
	dau					
	"					
	"					
131	"	(*older*)	käi′-kŭ-a-ä'-na	"	sä-sĭ-gĭ	"
	"			bro, elder		bro
	GS					
	"					
	"					
132	"		käi′-kŭ-wä-hee'-na	"	sag-hon′-ĭ	"
	"			str, elder		str
	GD					
	"					
	"					
133	"		käi′-kee kä′-na	"	le′-e fä	"
	"			child, male		child, male
	gt-GS					
	"					
	"			"		"
134	"		wä-hee′-na	"	le'-e hon′-ĭ	"
	"			female		female
	gt-GD					
	"					
	"					
135	"		moo-pŭ′-nä kä′-na	"	mä-pĭ-ga fä	"
	"			grandchild, male		grandchild, male
	gt-gt-GS					
	"					
	"			"		"
136	"		wä-hee′-na	"	"	"
	"			female	hon′-ĭ	female
	gt-gt-GD					
	"					
137	mo's		kŭ-pŭ′-nă kä′-na	"	"	"
	mo's bro			GP, male	fä	GP, male
	"					
	"					
138	"		mä-kă-ă kä′-na	"	oi-fä	"
	bro's son			parent, male		parent, male

139	" " " dau		wä-hee′-na	" " female	oi-hon′-ĭ	" " female
140	" " " GS	(*older*)	käi-kŭ-a-ä′-na	" bro, elder	sä-sĭ-gĭ	" bro
141	" " " GD		käi′-kŭ-wä-hee-na	" str, elder	sag-hon′-ĭ	" str
142	" " " gt-GS		käi′-kee kä′-na	" child, male	le′-e fä	" child, male
143	" " " gt-GD		" wä-hee′-na	" " female	le'-e hon′-ĭ	" " female
144	" " " gt-gt-GS		moo-pŭ′-nă kä′-na	" grandchild, male	mä-pĭ-ga fä	" grandchild, male
145	" " " gt-gt-GD		" wä-hee′-na	" " female	hon′-ĭ	" " female
146	" mo's mo's str		kŭ-pŭ-nă wä-hee-na	" GP, male	hon′-ĭ	" GP, male
147	" " "		mä-kŭ-ă kä'-na	" parent, male	oi-fä	" parent, male

	str's son					
	"					
	"					
148	"		" wä-hee′-na	"	oi-hon′-ĭ	"
	dau			female		female
	"					
	"					
149	"	(*oms*)	käi′-kŭ-ă-ä-na	"	sä-sĭ-gĭ	"
	GS			bro, elder		bro
	"					
	"					
150	"		käi′-kŭ-wä-hee′-na	"	sag-hon′-ĭ	"
	GD			str, elder		str
	"					
	"					
151	"		käi′-kee-kä′-na	"	le′-e fä	"
	gt-GS			child, male		child, male
	"					
	"					
152	"		" wä-hee′-na	"	le′-e hon′-ĭ	"
	gt-GD			female		female
	"					
	"					
153	"		moo-pŭ′-nă kä′-na	"	mä-pĭ-ga fä	"
	gt-gt-GS			grandchild, male		grandchild, male
	"					
	"					
154	"		" wä-hee′-na	"	mä-pĭ-ga hon′-ĭ	"
	gt-gt-GD			female		female
	"					
155	husb		kä′-na	" husb	ve-ven′-ĭ	" husb
156	" wife		wä-hee′-na	" wife	hoi-e-nä, and hen	" wife

157	" husb's fa		mä-kŭ′-ă-hŭ-nä-ai	" fa-in-law	oi-fă	" fa
158	" " mo		"	" mo-in-law	oi-hon′-ĭ	" mo
159	" wife's fa		"	" fa-in-law	oi-fă	" fa
160	" " mo		"	" mo-in-law	oi-hon′-ĭ	" mo
161	" son-in-law		hŭ-no′-nă kă′-na	" son-in-law	le′-e fă	" child, male
162	" dau-in-law		wä-hee′-na	" dau-in-law	le′-e hon′-ĭ	" female
163	" bro-in-law	(*husb's bro*)	kă′-na	" husb	hom-fu′-e	" bro-in-law
164	" "	(*str's husb, fs*)	"	" "	me-i	" "
165	" "	(*wife's str's husb*)	pŭ-na-lŭ-ă	" intimate companion		
166	" "	(*wife's bro*)	käi-ko-a′-kä	" bro-in-law	me-i	" "
167	" str-in-law	(*wife's str*)	wä-hee′-na	" wife	hom-fu′-e	" str-in-law
168	" "	(*husb's str*)	käi-ko-a′-kä	" str-in-law	me-i	" "
169	" "	(*bro's wife*)	wä-hee′-na	" wife	hom-fu′-e	" "
170	" "	(*fs*)	käi-ko-a′-kä	" str-in-law		" "
171	" "	(*husb's bro's wife*)	pŭ-na-lŭ-ă	" intimate companion		
172	" "	(*wife's bro's wife*)	wä-hee′-na	" wife		

173	" step-fa	mä-kŭ′-a kä′-na	" parent, male	oi-fä	" parent, male
174	" mo	" wä-hee′-na	" female	oi-hon′-ĭ	" female
175	" son	käi′-kee kä′-na	" child, male	le′-e fä	" child, male
176	" dau	" wä-hee′-na	" female	le′-e fä	" female

CHAPTER III. - THE PUNALUAN FAMILY.

The Punaluan Family supervened upon the Consanguine.—Transition, how produced.—Hawaiian Custom of Punalua.—Its probable ancient Prevalence over wide Areas.—The Gentes originated probably in Punaluan Groups.—The Turanian System of Consanguinity.—Created by the Punaluan Family.—It proves the Existence of this Family when the System was formed.—Details of System.—Explanation of its Relationships in their Origin.—Table of Turanian and Ganowanian Systems of Consanguinity and Affinity.

The Punaluan family has existed in Europe, Asia, and America within the historical period, and in Polynesia within the present century. With a wide prevalence in the tribes of mankind in the Status of Savagery, it remained in some instances among tribes who had advanced into the Lower Status of barbarism, and in one case, that of the Britons, among tribes who had attained the Middle Status. In the course of human progress it followed the consanguine family, upon which it supervened, and of which it was a modification. The transition from one into the other was produced by the gradual exclusion of own brothers and sisters from the marriage relation, the evils of which could not forever escape human observation. It may be impossible to recover the events which led to deliverance; but we are not without some evidence tending to show how it occurred. Although the facts from which these conclusions are drawn are of a dreary and forbidding character, they[Pg 425] will not surrender the knowledge they contain without a patient as well as careful examination.

Given the consanguine family, which involved own brothers and sisters and also collateral brothers and sisters in the marriage relation, and it was only necessary to exclude the former from the group, and retain the latter, to change the consanguine into the punaluan family. To effect the exclusion of the one class and the retention of the other was a difficult process, because it involved a radical change in the composition of the family, not to say in the ancient plan of domestic life. It also required the surrender of a privilege which savages would be slow to make. Commencing, it may be supposed, in isolated cases, and with a slow recognition of its advantages, it remained an experiment through immense expanses of time; introduced partially at first, then becoming general, and finally universal among the advancing tribes, still in savagery, among whom the movement originated. It affords a good illustration of the operation of the principle of natural selection.

The significance of the Australian class system presents itself anew in this connection. It is evident from the manner in which the classes were formed, and from the rule with respect to marriage and descents, that their primary object was to exclude own brothers and sisters from the marriage relation, while the collateral brothers and sisters were retained in that relation. The former object is impressed upon the classes by an external law; but the latter, which is not apparent on the face of the organization, is made evident by tracing their descents.463 It is thus found that first, second, and more remote cousins, who are collateral brothers and sisters under their system of consanguinity, are brought perpetually back into the marriage relation, while own brothers and sisters are excluded. The number[Pg 426] of persons in the Australian punaluan group is greater than in the Hawaiian, and its composition is slightly different; but the remarkable fact remains in both cases, that the brotherhood of the husbands formed the basis of the marriage relation in one group, and the sisterhood of the wives the basis in the other. This difference, however, existed with respect to the Hawaiians, that it does not appear as yet that there were any classes among them between whom marriages must occur. Since the Australian classes gave birth to the punaluan group, which contained the germ of the gens, it suggests the probability that this organization into classes upon sex once prevailed among all the tribes of mankind who afterwards fell under the gentile organization. It would not be surprising if the Hawaiians, at some anterior period, were organized in such classes.

Remarkable as it may seem, three of the most important and most wide-spread institutions of mankind, namely, the punaluan family, the organization into gentes, and the Turanian system of

consanguinity, root themselves in an anterior organization analogous to the punaluan group, in which the germ of each is found. Some evidence of the truth of this proposition will appear in the discussion of this family.

As punaluan marriage gave the punaluan family, the latter would give the Turanian system of consanguinity, as soon as the existing system was reformed so as to express the relationships as they actually existed in this family. But something more than the punaluan group was needed to produce this result, namely, the organization into gentes, which permanently excluded brothers and sisters from the marriage relation by an organic law, who before that, must have been frequently involved in that relation. When this exclusion was made complete it would work a change in all these relationships which depended upon these marriages; and when the system of consanguinity was made to conform to the new state of these relationships, the Turanian system would supervene upon the Malayan. The Hawaiians had the punaluan family, but neither the organization into gentes nor the Turanian system of consanguinity.[Pg 427] Their retention of the old system of the consanguine family leads to a suspicion, confirmed by the statements of Mr. Bingham, that own brothers and sisters were frequently involved in the punaluan group, thus rendering a reformation of the old system of consanguinity impossible. Whether the punaluan group of the Hawaiian type can claim an equal antiquity with the Australian classes is questionable, since the latter is more archaic than any other known constitution of society. But the existence of a punaluan group of one or the other type was essential to the birth of the gentes, as the latter were essential to the production of the Turanian system of consanguinity. The three institutions will be considered separately.

I. *The Punaluan Family.*

In rare instances a custom has been discovered in a concrete form usable as a key to unlock some of the mysteries of ancient society, and explain what before could only be understood imperfectly. Such a custom is the *Pŭnalŭa* of the Hawaiians. In 1860 Judge Lorin Andrews, of Honolulu, in a letter accompanying a schedule of the Hawaiian system of consanguinity, commented upon one of the Hawaiian terms of relationship as follows: "The relationship of *pŭnalŭa* is rather amphibious. It arose from the fact that two or more brothers with their wives, or two or more sisters with their husbands, were inclined to possess each other in common; but the modern use of the word is that of *dear friend*, or *intimate companion*." That which Judge Andrews says they were inclined to do, and which may then have been a declining practice, their system of consanguinity proves to have been once universal among them. The Rev. Artemus Bishop, lately deceased, one of the oldest missionaries in these Islands, sent to the author the same year, with a similar schedule, the following statement upon the same subject: "This confusion of relationships is the result of the ancient custom among relatives of the living together of husbands and wives in common." In a previous chapter the remark of Mr. Bingham was quoted that the polygamy of which he was writing, "implied a plurality[Pg 428] of husbands and wives." The same fact is reiterated by Dr. Bartlett: "The natives had hardly more modesty or shame than so many animals. Husbands had many wives, and wives many husbands, and exchanged with each other at pleasure."464 The form of marriage which they found created a punaluan group, in which the husbands and wives were jointly intermarried in the group. Each of these groups, including the children of the marriages, was a punaluan family; for one consisted of several brothers and their wives, and the other of several sisters with their husbands.

If we now turn to the Hawaiian system of consanguinity, in the Table, it will be found that a man calls his wife's sister his wife. All the sisters of his wife, own as well as collateral, are also his wives. But the husband of his wife's sister he calls *pŭnalŭa*, i. e., *his intimate companion*; and all the husbands of the several sisters of his wife the same. They were jointly intermarried in the group. These husbands were not, probably, brothers; if they were, the blood relationship would naturally have prevailed over the affineal; but their wives were sisters, own and collateral. In this case the

sisterhood of the wives was the basis upon which the group was formed, and their husbands stood to each other in the relationship of *pŭnalŭa*. In the other group, which rests upon the brotherhood of the husbands, a woman calls her husband's brother her husband. All the brothers of her husband, own as well as collateral, were also her husbands. But the wife of her husband's brother she calls *pŭnalŭa*, and the several wives of her husband's brothers stand to her in the relationship of *pŭnalŭa*. These wives were not, probably, sisters of each other, for the reason stated in the other case, although exceptions doubtless existed under both branches of the custom. All these wives stood to each other in the relationship of *pŭnalŭa*.

It is evident that the punaluan family was formed out of the consanguine. Brothers ceased to marry their own sisters; and after the gentile organization had worked upon[Pg 429] society its complete results, their collateral sisters as well. But in the interval they shared their remaining wives in common. In like manner, sisters ceased marrying their own brothers, and after a long period of time, their collateral brothers; but they shared their remaining husbands in common. The advancement of society out of the consanguine into the punaluan family was the inception of a great upward movement, preparing the way for the gentile organization which gradually conducted to the syndyasmian family, and ultimately to the monogamian.

Another remarkable fact with respect to the custom of punalua, is the necessity which exists for its ancient prevalence among the ancestors of the Turanian and Ganowánian families when their system of consanguinity was formed. The reason is simple and conclusive. Marriages in punaluan groups explain the relationships in the system. Presumptively they are those which actually existed when this system was formed. The existence of the system, therefore, requires the antecedent prevalence of punaluan marriage, and of the punaluan family. Advancing to the civilized nations, there seems to have been an equal necessity for the ancient existence of punaluan groups among the remote ancestors of all such as possessed the gentile organization—Greeks, Romans, Germans, Celts, Hebrews—for it is reasonably certain that all the families of mankind who rose under the gentile organization to the practice of monogamy possessed, in prior times, the Turanian system of consanguinity which sprang from the punaluan group. It will be found that the great movement, which commenced in the formation of this group, was, in the main, consummated through the organization into gentes, and that the latter was generally accompanied, prior to the rise of monogamy, by the Turanian system of consanguinity.

Traces of the punaluan custom remained, here and there, down to the Middle Period of barbarism, in exceptional cases, in European, Asiatic, and American tribes. The most remarkable illustration is given by Cæsar in stating the marriage customs of the ancient Britons. He observes[Pg 430] that, "by tens and by twelves, husbands possessed their wives in common; and especially brothers with brothers and parents with their children."[465]

This passage reveals a custom of intermarriage in the group which *pŭnalŭa* explains. Barbarian mothers would not be expected to show ten and twelve sons, as a rule, or even in exceptional cases; but under the Turanian system of consanguinity, which we are justified in supposing the Britons to have possessed, large groups of brothers are always found, because male cousins, near and remote, fall into this category with *Ego*. Several brothers among the Britons, according to Cæsar, possessed their wives in common. Here we find one branch of the punaluan custom, pure and simple. The correlative group which this presupposes, where several sisters shared their husbands in common, is not suggested directly by Cæsar; but it probably existed as the complement of the first. Something beyond the first he noticed, namely, that parents, with their children, shared their wives in common. It is not unlikely that these wives were sisters. Whether or not Cæsar by this expression referred to the other group, it serves to mark the extent to which plural marriages in the group existed among the Britons; and which was the striking fact that arrested the attention of this distinguished observer.

Where several brothers were married to each other's wives, these wives were married to each other's husbands.

Herodotus, speaking of the Massagetæ, who were in the Middle Status of barbarism, remarks that every man had one wife, yet all the wives were common.466 It may be implied from this statement that the syndyasmian family had begun to supervene upon the punaluan. Each husband paired with one wife, who thus became his principal wife, but within the limits of the group husbands and wives continued in common. If Herodotus intended to intimate[Pg 431] a state of promiscuity, it probably did not exist. The Massagetæ, although ignorant of iron, possessed flocks and herds, fought on horseback armed with battle-axes of copper and with copper-pointed spears, and manufactured and used the wagon (ἅμαξα). It is not supposable that a people living in promiscuity could have attained such a degree of advancement. He also remarks of the Agathyrsi, who were in the same status probably, that they had their wives in common that they might all be brothers, and, as members of a common family, neither envy nor hate one another.467 Punaluan marriage in the group affords a more rational and satisfactory explanation of these, and similar usages in other tribes mentioned by Herodotus, than polygamy or general promiscuity. His accounts are too meager to illustrate the actual state of society among them.

Traces of the punaluan custom were noticed in some of the least advanced tribes of the South American aborigines; but the particulars are not fully given. Thus, the first navigators who visited the coast tribes of Venezuela found a state of society which suggests for its explanation punaluan groups. "They observe no law or rule in matrimony, but took as many wives as they would, and they as many husbands, quitting one another at pleasure, without reckoning any wrong done on either part. There was no such thing as jealousy among them, all living as best pleased them, without taking offence at one another.... The houses they dwelt in were common to all, and so spacious that they contained one hundred and sixty persons, strongly built, though covered with palm-tree leaves, and shaped like a bell."468 These tribes used earthen vessels and were therefore in the Lower Status of barbarism; but from this account were but slightly removed from savagery. In this[Pg 432] case, and in those mentioned by Herodotus, the observations upon which the statements were made were superficial. It shows, at least, a low condition of the family and of the marriage relation.

When North America was discovered in its several parts, the punaluan family seems to have entirely disappeared. No tradition remained among them, so far as I am aware, of the ancient prevalence of the punaluan custom. The family generally had passed out of the punaluan into the syndyasmian form; but it was environed with the remains of an ancient conjugal system which points backward to punaluan groups. One custom may be cited of unmistakable punaluan origin, which is still recognized in at least forty North American Indian tribes. Where a man married the eldest daughter of a family he became entitled by custom to all her sisters as wives when they attained the marriageable age. It was a right seldom enforced, from the difficulty, on the part of the individual, of maintaining several families, although polygamy was recognized universally as a privilege of the males. We find in this the remains of the custom of punalua among their remote ancestors. Undoubtedly there was a time among them when own sisters went into the marriage relation on the basis of their sisterhood; the husband of one being the husband of all, but not the only husband, for other males were joint husbands with him in the group. After the punaluan family fell out, the right remained with the husband of the eldest sister to become the husband of all her sisters if he chose to claim it. It may with reason be regarded as a genuine survival of the ancient punaluan custom.

Other traces of this family among the tribes of mankind might be cited from historical works, tending to show not only its ancient existence, but its wide prevalence as well. It is unnecessary, however, to extend these citations, be[Pg 433]cause the antecedent existence of the punaluan family among the ancestors of all the tribes who possess, or did possess, the Turanian system of consanguinity can be deduced from the system itself.

II. *Origin of the Organisation into Gentes.*

It has before been suggested that the time, when this institution originated, was the period of savagery, firstly, because it is found in complete development in the Lower Status of barbarism; and secondly, because it is found in partial development in the Status of savagery. Moreover, the germ of the gens is found as plainly in the Australian classes as in the Hawaiian punaluan group. The gentes are also found among the Australians, based upon the classes, with the apparent manner of their organization out of them. Such a remarkable institution as the gens would not be expected to spring into existence complete, or to grow out of nothing, that is, without a foundation previously formed by natural growth. Its birth must be sought in pre-existing elements of society, and its maturity would be expected to occur long after its origination.

Two of the fundamental rules of the gens in its archaic form are found in the Australian classes, namely, the prohibition of intermarriage between brothers and sisters, and descent in the female line. The last fact is made entirely evident when the gens appeared, for the children are then found in the gens of their mothers. The natural adaptation of the classes to give birth to the gens is sufficiently obvious to suggest the probability that it actually so occurred. Moreover, this probability is strengthened by the fact that the gens is here found in connection with an antecedent and more archaic organization, which was still the unit of a social system, a place belonging of right to the gens.

Turning now to the Hawaiian punaluan group, the same elements are found containing the germ of the gens. It is confined, however, to the female branch of the custom, where several sisters, own and collateral, shared their husbands in common. These sisters, with their children and descendants through females, furnish the exact membership[Pg 434] of a gens of the archaic type. Descent would necessarily be traced through females, because the paternity of children was not ascertainable with certainty. As soon as this special form of marriage in the group became an established institution, the foundation for a gens existed. It then required an exercise of intelligence to turn this natural punaluan group into an organization, restricted to these mothers, their children, and descendants in the female line. The Hawaiians, although this group existed among them, did not rise to the conception of a gens. But to precisely such a group as this, resting upon the sisterhood of the mothers, or to the similar Australian group, resting upon the same principle of union, the origin of the gens must be ascribed. It took this group as it found it, and organized certain of its members, with certain of their posterity, into a gens on the basis of kin.

To explain the exact manner in which the gens originated is, of course, impossible. The facts and circumstances belong to a remote antiquity. But the gens may be traced back to a condition of ancient society calculated to bring it into existence. This is all I have attempted to do. It belongs in its origin to a low stage of human development, and to a very ancient condition of society; though later in time than the first appearance of the punaluan family. It is quite evident that it sprang up in this family, which consisted of a group of persons coincident substantially with the membership of a gens.

The influence of the gentile organization upon ancient society was conservative and elevating. After it had become fully developed and expanded over large areas, and after time enough had elapsed to work its full influence upon society, wives became scarce in place of their former abundance, because it tended to contract the size of the punaluan group, and finally to overthrow it. The syndyasmian family was gradually produced within the punaluan, after the gentile organization became predominant over ancient society. The intermediate stages of progress are not well ascertained; but, given the punaluan family in the Sta[Pg 435]tus of savagery, and the syndyasmian family in the Lower Status of barbarism, and the fact of progress from one into the other may be deduced with reasonable certainty. It was after the latter family began to appear, and punaluan groups to disappear, that wives came to be sought by purchase and by capture. Without discussing

the evidence still accessible, it is a plain inference that the gentile organization was the efficient cause of the final overthrow of the punaluan family, and of the gradual reduction of the stupendous conjugal system of the period of savagery. While it originated in the punaluan group, as we must suppose, it nevertheless carried society beyond and above its plane.

III. *The Turanian or Ganowdnian System of Consanguinity.*

This system and the gentile organization, when in its archaic form, are usually found together. They are not mutually dependent; but they probably appeared not far apart in the order of human progress. But systems of consanguinity and the several forms of the family stand in direct relations. The family represents an active principle. It is never stationary, but advances from a lower to a higher form as society advances from a lower to a higher condition, and finally passes out of one form into another of higher grade. Systems of consanguinity, on the contrary, are passive; recording the progress made by the family at long intervals apart, and only changing radically when the family has radically changed.

The Turanian system could not have been formed unless punaluan marriage and the punaluan family had existed at the time. In a society wherein by general usage several sisters were married in a group to each other's husbands, and several brothers in a group to each other's wives, the conditions were present for the creation of the Turanian system. Any system formed to express the actual relationships as they existed in such a family would, of necessity, be the Turanian; and would, of itself, demonstrate the existence of such a family when it was formed.

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It is now proposed to take up this remarkable system as it still exists in the Turanian and Ganowánian families, and offer it in evidence to prove the existence of the punaluan family at the time it was established. It has come down to the present time on two continents after the marriage customs in which it originated had disappeared, and after the family had passed out of the punaluan into the syndyasmian form.

In order to appreciate the evidence it will be necessary to examine the details of the system. That of the Seneca-Iroquois will be used as typical on the part of the Ganowánian tribes of America, and that of the Tamil people of South India on the part of the Turanian tribes of Asia. These forms, which are substantially identical through upwards of two hundred relationships of the same person, will be found in a Table at the end of this chapter. In a previous work[469] I have presented in full the system of consanguinity of some seventy American Indian tribes; and among Asiatic tribes and nations that of the Tamil, Telugu, and Canarese people of South India, among all of whom the system, as given in the Table, is now in practical daily use. There are diversities in the systems of the different tribes and nations, but the radical features are constant. All alike salute by kin, but with this difference, that among the Tamil people where the person addressed is younger than the speaker, the term of relationship must be used; but when older the option is given to salute by kin or by the personal name. On the contrary, among the American aborigines, the address must always be by the term of relationship. They use the system in addresses because it is a system of consanguinity and affinity. It was also the means by which each individual in the ancient gentes was able to trace his connection with every member of his gens until monogamy broke up the Turanian system. It will be found, in many cases, that the relationship of the same person to

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Ego is different as the sex of *Ego* is changed. For this reason it was found necessary to state the question twice, once with a male speaking, and again with a female. Notwithstanding the diversities it created, the system is logical throughout. To exhibit its character, it will be necessary to pass through the several lines as was done in the Malayan system. The Seneca-Iroquois will be used.

The relationships of grandfather (*Hoc'-sote*), and grandmother (*Oc'-sote*), and of grandson (*Ha-yä'-da*), and granddaughter (*Ka-yä'-da*), are the most remote recognized either in the ascending or

descending series. Ancestors and descendants above and below these, fall into the same categories respectively.

The relationships of brother and sister are conceived in the twofold form of elder and younger, and not in the abstract; and there are special terms for each, as follow:

Elder Brother,	*Ha'-je*.	Elder Sister,	*Ah'-jē*.
Younger Brother,	*Ha'-gă*.	Younger Sister,	*Ka'-gă*.

These terms are used by the males and females, and are applied to all such brothers or sisters as are older or younger than the person speaking. In Tamil there are two sets of terms for these relationships, but they are now used indiscriminately by both sexes.

First Collateral Line. With myself a male, and speaking as a Seneca, my brother's son and daughter are my son and daughter (*Ha-ah'-wuk*, and *Ka-ah'-wuk*), each of them calling me father (*Hä'-nih*). This is the first indicative feature of the system. It places my brother's children in the same category with my own. They are my children as well as his. My brother's grandchildren are my grandsons and granddaughters (*Ha-yä'-da*, and *Ka-yä'-da*, singular), each of them calling me grandfather (*Hoc'-sote*). The relationships here given are those recognized and applied; none others are known. Certain relationships will be distinguished as indicative. They usually control those that precede and follow. When they agree in the systems of different tribes, and even of different families of mankind, as in the Tura[Pg 438]nian and Ganowánian, they establish their fundamental identity.

In the female branch of this line, myself still a male, my sister's son and daughter are my nephew and niece (*Ha-yă'-wan-da*, and *Ka-yă'-wan-da*), each of them calling me uncle (*Hoc-no'-seh*). This is a second indicative feature. It restricts the relationships of nephew and niece to the children of a man's sisters, own or collateral. The children of this nephew and niece are my grandchildren as before, each of them applying to me the proper correlative.

With myself a female, a part of these relationships are reversed. My brother's son and daughter are my nephew and niece (*Ha-soh'-neh*, and *Ka-soh'-neh*), each of them calling me aunt (*Ah-ga'-huc*). It will be noticed that the terms for nephew and niece used by the males are different from those used by the females. The children of these nephews and nieces are my grandchildren. In the female branch, my sister's son and daughter are my son and daughter, each of them calling me mother (*Noh-yeh'*), and their children are my grandchildren, each of them calling me grandmother (*Oc'-sote*).

The wives of these sons and nephews are my daughters-in-law (*Ka'-sä*), and the husbands of these daughters and nieces are my sons-in-law (*Oc-na'-hose*, each term singular), and they apply to me the proper correlative.

Second Collateral Line. In the male branch of this line, on the father's side, and irrespective of the sex of *Ego*, my father's brother is my father, and calls me his son or daughter as I am a male or a female. Third indicative feature. All the brothers of a father are placed in the relation of fathers. His son and daughter are my brother and sister, elder or younger, and I apply to them the same terms I use to designate own brothers and sisters. Fourth indicative feature. It places the children of brothers in the relationship of brothers and sisters. The children of these brothers, myself a male, are my sons and daughters, and their children are my grandchildren; whilst the children of these sisters are my nephews and nieces, and the children of[Pg 439] the latter are my grandchildren. But with myself a female the children of these brothers are my nephews and nieces, the children of these sisters are my sons and daughters, and their children, alike are my grandchildren. It is thus seen that the classification in the first collateral line is carried into the second, as it is into the third and more remote as far as consanguinei can be traced.

My father's sister is my aunt, and calls me her nephew if I am a male. Fifth indicative feature. The relationship of aunt is restricted to the sisters of my father, and to the sisters of such other persons as stand to me in the relation of a father, to the exclusion of the sisters of my mother. My father's

sister's children are my cousins (*Ah-gare'-seh*, singular), each of them calling me cousin. With myself a male, the children of my male cousins are my sons and daughters, and of my female cousins are my nephews and nieces; but with myself a female these last relationships are reversed. All the children of the latter are my grandchildren.

On the mother's side, myself a male, my mother's brother is my uncle, and calls me his nephew. Sixth indicative feature. The relationship of uncle is restricted to the brothers of my mother, own and collateral, to the exclusion of my father's brothers. His children are my cousins, the children of my male cousins are my sons and daughters, of my female cousins are my nephews and nieces; but with myself a female these last relationships are reversed, the children of all alike are my grandchildren.

In the female branch of the same line my mother's sister is my mother. Seventh indicative feature. All of several sisters, own and collateral, are placed in the relation of a mother to the children of each other. My mother's sister's children are my brothers and sisters, elder or younger. Eighth indicative feature. It establishes the relationship of brother and sister among the children of sisters. The children of these brothers are my sons and daughters, of these sisters are my nephews and nieces; and the children of the latter are my grandchildren. With myself a[Pg 440] female the same relationships are reversed as in previous cases.

Each of the wives of these several brothers, and of these several male cousins is my sister-in-law (*Ah-ge-ah'-ne-ah*), each of them calling me brother-in-law (*Ha-yă'-o*). The precise meaning of the former term is not known. Each of the husbands of these several sisters and female cousins is my brother-in-law, and they all apply to me the proper correlative. Traces of the punaluan custom remain here and there in the marriage relationship of the American aborigines, namely, between *Ego* and the wives of several brothers and the husbands of several sisters. In Mandan my brother's wife is my wife, and in Pawnee and Arickaree the same. In Crow my husband's brother's wife is "my comrade" (*Bot-ze'-no-pä-che*), in Creek my "present occupant" (*Chu-hu'-cho-wä*), and in Munsee "my friend" (*Nain-jose'*). In Winnebago and Achaotinne she is "my sister." My wife's sister's husband, in some tribes is "my brother," in others my "brother-in-law," and in Creek "my little separater" (*Un-kä-pu'-che*), whatever that may mean.

Third Collateral Line. As the relationships in the several branches of this line are the same as in the corresponding branches of the second, with the exception of one additional ancestor, it will be sufficient to present one branch out of the four. My father's father's brother is my grandfather, and calls me his grandson. This is a ninth indicative feature, and the last of the number. It places these brothers in the relation of grandfathers, and thus prevents collateral ascendants from passing beyond this relationship. The principle which merges the collateral lines in the lineal line works upward as well as downward. The son of this grandfather is my father; his children are my brothers and sisters; the children of these brothers are my sons and daughters, of these sisters are my nephews and nieces; and their children are my grandchildren. With myself a female the same relationships are reserved as in previous cases. Moreover, the correlative term is applied in every instance.

Fourth Collateral Line. It will be sufficient, for the same[Pg 441] reason, to give but a single branch of this line. My grandfather's father's brother is my grandfather; his son is also my grandfather; the son of the latter is my father; his son and daughter are my brother and sister, elder or younger; and their children and grandchildren follow in the same relationships to *Ego* as in other cases. In the fifth collateral line the classification is the same in its several branches as in the corresponding branches of the second, with the exception of additional ancestors.

It follows, from the nature of the system, that a knowledge of the numerical degrees of consanguinity is essential to a proper classification of kindred. But to a native Indian accustomed to its daily use the apparent maze of relationships presents no difficulty.

Among the remaining marriage relationships there are terms in Seneca-Iroquois for father-in-law (*Oc-na'-hose*), for a wife's father, and (*Hä-gä'-sä*) for a husband's father. The former term is also used to designate a son-in-law, thus showing it to be reciprocal. There are also terms for step-father and step-mother (*Hoc'-no-ese*) and (*Oc'-no-ese*), and for step-son and step-daughter (*Ha'-no* and *Ka'-no*). In a number of tribes two fathers-in-law and two mothers-in-law are related, and there are terms to express the connection. The opulence of the nomenclature, although made necessary by the elaborate discriminations of the system, is nevertheless remarkable. For full details of the Seneca-Iroquois and Tamil system reference is made to the Table. Their identity is apparent on bare inspection. It shows not only the prevalence of punaluan marriage amongst their remote ancestors when the system was formed, but also the powerful impression which this form of marriage made upon ancient society. It is, at the same time, one of the most extraordinary applications of the natural logic of the human mind to the facts of the social system preserved in the experience of mankind.
That the Turanian and Ganowánian system was engrafted upon a previous Malayan, or one like it in all essential respects, is now demonstrated. In about one-half of all the[Pg 442] relationships named, the two are identical. If those are examined, in which the Seneca and Tamil differ from the Hawaiian, it will be found that the difference is upon those relationships which depended on the intermarriage or non-intermarriage of brothers and sisters. In the former two, for example, my sister's son is my nephew, but in the latter he is my son. The two relationships express the difference between the consanguine and punaluan families. The change of relationships which resulted from substituting punaluan in the place of consanguine marriages turns the Malayan into the Turanian system. But it may be asked why the Hawaiians, who had the punaluan family, did not reform their system of consanguinity in accordance therewith? The answer has elsewhere been given, but it may be repeated. The form of the family keeps in advance of the system. In Polynesia it was punaluan while the system remained Malayan; in America it was syndyasmian while the system remained Turanian; and in Europe and Western Asia it became monogamian while the system seems to have remained Turanian for a time, but it then fell into decadence, and was succeeded by the Aryan. Furthermore, although the family has passed through five forms, but three distinct systems of consanguinity were created, so far as is now known. It required an organic change in society attaining unusual dimensions to change essentially an established system of consanguinity. I think it will be found that the organization into gentes was sufficiently influential and sufficiently universal to change the Malayan system into the Turanian; and that monogamy, when fully established in the more advanced branches of the human family, was sufficient, with the influence of property, to overthrow the Turanian system and substitute the Aryan.
It remains to explain the origin of such Turanian relationships as differ from the Malayan. Punaluan marriages and the gentile organizations form the basis of the explanation.
I. All the children of my several brothers, own and collateral, myself a male, are my sons and daughters.
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Reasons: Speaking as a Seneca, all the wives of my several brothers are mine as well as theirs. We are now speaking of the time when the system was formed. It is the same in the Malayan, where the reasons are assigned.
II. All the children of my several sisters, own and collateral, myself a male, are my nephews and nieces.
Reasons: Under the gentile organization these females, by a law of the gens, cannot be my wives. Their children, therefore, can no longer be my children, but stand to me in a more remote relationship; whence the new relationships of nephew and niece. This differs from the Malayan.
III. With myself a female, the children of my several brothers, own and collateral, are my nephews and nieces.

Reasons, as in II. This also differs from the Malayan.
IV. With myself a female, the children of my several sisters, own and collateral, and of my several female cousins, are my sons and daughters.
Reasons: All their husbands are my husbands as well. In strictness these children are my step-children, and are so described in Ojibwa and several other Algonkin tribes; but in the Seneca-Iroquois, and in Tamil, following the ancient classification, they are placed in the category of my sons and daughters, for reasons given in the Malayan.
V. All the children of these sons and daughters are my grandchildren.
Reason: They are the children of my sons and daughters.
VI. All the children of these nephews and nieces are my grandchildren.
Reason: These were the relationships of the same persons under the Malayan system, which presumptively preceded the Turanian. No new one having been invented, the old would remain.
VII. All the brothers of my father, own and collateral, are my fathers.
Reason: They are the husbands of my mother. It is the same in Malayan.
VIII. All the sisters of my father, own and collateral, are my aunts.
Reason: Under the gentile organization neither can be[Pg 444] the wife of my father; wherefore the previous relationship of mother is inadmissible. A new relationship, therefore, was required: whence that of aunt.
IX. All the brothers of my mother, own and collateral, are my uncles.
Reasons: They are no longer the husbands of my mother, and must stand to me in a more remote relationship than that of father: whence the new relationship of uncle.
X. All the sisters of my mother, own and collateral, are my mothers.
Reasons, as in IV.
XI. All the children of my father's brothers, and all the children of my mother's sisters, own and collateral, are my brothers and sisters.
Reasons: It is the same in Malayan, and for reasons there given.
XII. All the children of my several uncles and all the children of my several aunts, own and collateral, are my male and female cousins.
Reasons: Under the gentile organization all these uncles and aunts are excluded from the marriage relation with my father and mother; wherefore their children cannot stand to me in the relation of brothers and sisters, as in the Malayan, but must be placed in one more remote: whence the new relationship of cousin.
XIII. In Tamil all the children of my male cousins, myself a male, are my nephews and nieces, and all the children of my female cousins are my sons and daughters. This is the exact reverse of the rule among the Seneca-Iroquois. It tends to show that among the Tamil people, when the Turanian system came in, all my female cousins were my wives, whilst the wives of my male cousins were not. It is a singular fact that the deviation on these relationships is the only one of any importance between the two systems in the relationships to *Ego* of some two hundred persons.
XIV. All the brothers and sisters of my grandfather and of my grandmother are my grandfathers and grandmothers.
Reason: It is the same in Malayan, and for the reasons there given.
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It is now made additionally plain that both the Turanian and Ganowánian systems, which are identical, supervened upon an original Malayan system; and that the latter must have prevailed generally in Asia before the Malayan migration to the Islands of the Pacific. Moreover, there are good grounds for believing that the system was transmitted in the Malayan form to the ancestors of the three families, with the streams of the blood, from a common Asiatic source, and afterward, modified into its present form by the remote ancestors of the Turanian and Ganowánian families.

The principal relationships of the Turanian system have now been explained in their origin, and are found to be those which would actually exist in the punaluan family as near as the parentage of children could be known. The system explains itself as an organic growth, and since it could not have originated without an adequate cause, the inference becomes legitimate as well as necessary that it was created by punaluan families. It will be noticed, however, that several of the marriage relationships have been changed.

The system treats all brothers as the husbands of each other's wives, and all sisters as the wives of each other's husbands, and as intermarried in a group. At the time the system was formed, wherever a man found a brother, own or collateral, and those in that relation were numerous, in the wife of that brother he found an additional wife. In like manner, wherever a woman found a sister, own or collateral, and those in that relation were equally numerous, in the husband of that sister she found an additional husband. The brotherhood of the husbands and the sisterhood of the wives formed the basis of the relation. It is fully expressed by the Hawaiian custom of *pŭnalŭa*. Theoretically, the family of the period was coextensive with the group united in the marriage relation; but, practically, it must have subdivided into a number of smaller families for convenience of habitation and subsistence. The brothers, by tens and twelves, of the Britons, married to each other's wives, would indicate the size of an ordinary subdivision of[Pg 446] a punaluan group. Communism in living seems to have originated in the necessities of the consanguine family, to have been continued in the punaluan, and to have been transmitted to the syndyasmian among the American aborigines, with whom it remained a practice down to the epoch of their discovery. Punaluan marriage is now unknown among them, but the system of consanguinity it created has survived the customs in which it originated. The plan of family life and of habitation among savage tribes has been imperfectly studied. A knowledge of their usages in these respects and of their mode of subsistence would throw a strong light upon the questions under consideration.

Two forms of the family have now been explained in their origin by two parallel systems of consanguinity. The proofs seem to be conclusive. It gives the starting point of human society after mankind had emerged from a still lower condition and entered the organism of the consanguine family. From this first form to the second the transition was natural; a development from a lower into a higher social condition through observation and experience. It was a result of the improvable mental and moral qualities which belong to the human species. The consanguine and punaluan families represent the substance of human progress through the greater part of the period of savagery. Although the second was a great improvement upon the first, it was still very distant from the monogamian. An impression may be formed by a comparison of the several forms of the family, of the slow rate of progress in savagery, where the means of advancement were slight, and the obstacles were formidable. Ages upon ages of substantially stationary life, with advance and decline, undoubtedly marked the course of events; but the general movement of society was from a lower to a higher condition, otherwise mankind would have remained in savagery. It is something to find an assured initial point from which mankind started on their great and marvelous career of progress, even though so near the bottom of the scale, and though limited to a form of the family so peculiar as the consanguine.

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Comparative Table of the System of Relationship of the Seneca-Iroquois Indians of New York, and of the People of South-India speaking the Tamil Dialect of the Drâvidian Language. En = my.

Transcriber's Note: Abbreviations: fa=father, mo=mother, GF=Grandfather, GM=Grandmother, GD=Granddaughter, GS=Grandson, bro=Brother, str=sister, gt=great, dau=daughter. End of Transcriber's Note.

Description of persons	Relationship in Seneca-Iroquois.	Translation.	Relationship in Tamil.	Translation.

1	My gt-GF's fa		hoc´-sote	My GF	En muppáddan	My 3d GF
2	" " "		oc´-sote	" GM	" muppáddi	" " GM
3	" gt-GF		hoc´-sote	" GF	" páddan	" 2d GF
4	" " GM		oc´-sote	" GM	" páddi	" " GM
5	" GF		hoc´-sote	" GF	" páddan	" GF
6	" GM		oc´-sote	" GM	" páddi	" GM
7	" fa		hă´-nih	" fa	" takkáppăn	" fa
8	" mo		no-yeh´	" mo	" táy	" mo
9	" son		há-ah´-wuk	" son	" măkăn	" son
10	" dau		ka-ah´-wuk	" dau	" măkăl	" dau
11	" GS		ha-yă´-da	" GS	" pêrăn	" GS
12	" GD		ha-yă´-da	" GD	" pêrtti	" GD
13	" gt-GS		ha-yă´-da	" GS	" irandám pêrăn	" 2d GS
14	" gt-GD		ka-yă´-da	" GD	" pêrtti	" " GD
15	" gt-GS's son		ha-yă´-da	" GS	" mŭndam pêrăn	" 3d GS
16	" " "		ka-yă´-da	" GD	" pêrtti	" " GD
	dau					
17	" elder bro		hă´-je	" elder bro	" tamaiyăn, b annăn	" elder bro
18	" " str		ah´-je	" " str	" akkàrl, b tămăkay	" " str
19	" younger bro		ha´-gă	" younger bro	" tambi	" younger bro
20	" " str		ka´-gă	" " str	" tambi	" " str
21	" bros		da-yă-guă-dan´-no-dă	" bros	" săkothăree	" bros (*Skr*)
22	" str		"	" str	" săkothăree	" str (*Skr*)
23	" bro's son	(*ms*)	ha-ah´-wuk	" son	" măkăn	" son
24	" " son's wife	"	ka´-säh´	" dau-in-law	" mărŭmăkăl	" dau-in-law & niece

25	" dau	"	ka-ah´-wuk	" dau	" măkăl	" dau	
26	" dau's hus	"	oc-na´-hosc	" son-in-law	" mărŭmăkăn	" son-in-law nephew	&
27	" GS	"	ha-yă´-da	" GS	" pêrăn	" GS	
28	" GD	"	ka-yă´-da	" GD	" pêrtti	" GD	
29	" gt-GS	"	ha-yă´-da	" GS	" irandám pêrăn	" 2d GS	
30	" gt-GD	"	ka-yă´-da	" GD	pêrtti	GD	
31	" str's son	"	ha-yă-´-wan-da	" nephew	" mărŭmăkăn	" nephew	
32	" son's wife	"	ka´-sä	" dau-in-law	" măkăl	" dau	
33	" dau	"	ka-yă´-wan-da	" niece	" mărŭmăkăl	" niece	
34	" dau's hus	"	oc-na´-hosc	" son-in-law	" măkăn	" son	
35	" GS	"	ha-yă´-da	" GS	" pêrăn	" GS	
36	" GD	"	ka-yă´-da	" GD	" pêrtti	" GD	
37	" gt-GS	"	ha-yă´-da	" GS	" irandám pêrăn	" 2d GS	
38	" gt-GD	"	ka-yă´-da	" GD	" irandám pertti	" 2d GD	
39	" bro's son	(*fs*)	ha-soh′-neh	" nephew	" mărŭmăkăn	" nephew	
40	" son's wife	"	ka′-sä	" dau-in-law	" măkăl	" dau	
41	" dau	"	ka-soh′-neh	" niece	" mărŭmăkăl	" niece	
42	" dau's hus	"	oc-na′-hose	" son-in-law	" măkan	" son	
43	" GS	"	ha-yă′-da	" GS	" pêrăn	" GS	

44	"	"	ka-yă′-da	"	"	"
	GD			GD	pêrtti	GD
45	"	"	ha-yă′-da	"	"	"
	gt-GS			GS	irandám pêrăn	2d GS
46	"	"	ka-yă′-da	"	pêrtti	GD
	gt-GD			GD		
47	"	"	ha-ah′-wuk	"	"	"
	str's son			son	măkăn	son
48	"	"	ka′-sä	"	"	"
	son's wife			dau-in-law	mărŭmăkăl	dau-in-law & niece
49	"	"	ka-ah′-wuk	"	"	"
	dau			dau	măkăl	dau
50	"	"	oc-na′-hose	"	"	"
	dau's hus			son-in-law	măkăn	son
51	"	"	ha-yă′-da	"	"	"
	GS			GS	pêrăn	GS
52	"	"	ka-yă′-da	"	"	"
	GD			GD	pêrtti	GD
53	"	"	ha-yă′-da	"	"	"
	gt-GS			GS	irandám pêrăn	2d GS
54	"	"	ka-yă′-da	"	pêrtti	GD
	gt-GD			GD		
55	"		hă′-nih	"	"	"
	fa's bro			fa	periya tăkkăppăn	gt-fa (*if older*)
				"	"	"
					seriya tăkkăppăn	little-fa (*if younger*)
56	"		uc-no′-ese	"	"	"
	bro's wife			step-mo	táy	mo (*th'n my fa*)
57	"	(*otm*)	hă′-je	"	"	"
	" son			elder bro	tămaiyăn	elder bro
58	"	(*ytm*)	ha′-gă	"	"	"
	" son			younger bro	tambi	younger bro
59	"		ah-gt-ah′-ne-ah	"	"	"
	" son's wife			str-in-law	maittumi (o.) anni (y.)	cousin str-in-law
60	"	(*otm*)	ah′-je	"	"	"
	" dau			elder str	akkarl b, tamakay	elder str
61	"	(*ytm*)	ka′-gă	"	"	"
	"			younger str	tangaichchi b, tangay	younger str

	"					
	"					
	"					
	"					
62	"		ha-yă′-o	"	"	"
	dau's hus			bro-in-law	măittŭnăn	bro-in-law & csn
	"					
63	"	(*ms*)	ha-ah′-wuk	"	"	"
	son's son			son	măkăn	son
	"					
64	"	(*fs*)	ha-soh′-neh	"	"	"
	son's son			nephew	mărŭmăkăn	nephew
	"					
65	"	(*ms*)	ka-ah′-wuk	"	"	"
	son's dau			dau	măkăl	dau
	"					
66	"	(*fs*)	ka-soh′-neh	"	"	"
	son's dau			niece	mărŭmăkăl	niece
	"					
67	"	(*ms*)	ha-yă′-wän-da	"	"	"
	dau's son			nephew	mărŭmăkăn	nephew
	"					
68	"	(*fs*)	ha-ah′-wuk	"	"	"
	dau's son			son	măkăn	son
	"					
69	"	(*ms*)	ka-yă′-wän-da	"	"	"
	dau's dau			niece	mărŭmăkăl	niece
	"					
70	"	(*fs*)	ka-ah′-wuk	"	"	"
	dau's dau			dau	măkăl	dau
	"					
71	"		ha-yă′-da	"	"	"
	gt-GS			GS	pêrăn	GS
	"					
72	"		ka-yä'-da	"	"	"
	gt-GD			GD	pêrtti	GD
	"					
73	fa's str		ah-ga′-huc	"	"	"
				aunt	attai	aunt
	"					
74	"		hoc-no′-ese	"	"	"
	str's hus			step-fa	máman	uncle
	"					
75	"	(*ms*)	ah-gărе′-seh	"	"	"
	son			cousin	attàn b, măittŭnăn	cousin
76	"	(*fs*)	ah-gărе′-seh	"	"	"
	"			cousin	măchchăn	cousin

	"					
	son					
	"					
77	"		ah-gt-ah'-ne-ah	"	"	"
	"			str-in-law	tangay	younger str
	son's wife					
	"					
78	"	(*ms*)	ah-găre′-seh	"	"	"
				cousin	măittuni	cousin
	dau					
	"					
79	"	(*fs*)	ah-găre′-seh	"	"	"
				cousin	măchchi b, măchchărl	cousin
	dau					
	"					
80	"		ah-găre′-seh	"	"	"
				bro-in-law	annan (o.) tambi (y.)	elder or ygr bro
	dau's hus					
	"					
81	"	(*ms*)	ha-ah′-wuk	"	"	"
				son	mărŭmăkăn	nephew
	son's son					
	"					
82	"	(*fs*)	ha-soh′-neh	"	"	"
				nephew	măkăn	son
	son's son					
	"					
83	"	(*ms*)	ka-ah′-wuk	"	"	"
				dau	mărŭmăkăl	niece
	son's dau					
	"					
84	"	(*fs*)	ka-soh′-neh	"	"	"
				niece	măkăl	dau
	son's dau					
	"					
85	"	(*ms*)	ha-ya′-wän-da	"	"	"
				nephew	măkăn	son
	dau's son					
	"					
86	"	(*fs*)	ha-ah′-wuk	"	"	"
				son	mărŭmăkăn	nephew
	dau's son					
	"					
87	"	(*ms*)	ka-ya′-wän-da	"	"	"
				niece	măkăl	dau
	dau's dau					
	"					
88	"	(*fs*)	ka-ah′-wuk	"	"	"
				dau	mărŭmăkăl	niece
	dau's dau					
	"					
89	"		ha-yă′-da	"	"	"
				GS	pêrăn	GS
	gt-GS					
90	"		ka-yă′-da	"	"	"
	"			GD	pêrtti	GD
	"					

	gt-GD					
91	" mo's bro		hoc-no′-seh	" uncle	" mămăn	" uncle
92	" bro's wife		ah-ga-na-ah	" aunt-mo	" mămе	" aunt
93	" " son	(*ms*)	ah-gare′-seh	" cousino	" măittŭnăn	" cousin
94	" " son	(*fs*)	ah-gare′-seh	" cousin	" măchchăn	" cousin
95	" " son's wife		ah-gt-ah′-ne-ah	" str-in-law	" tăngay	" younger str
96	" " dau	(*ms*)	ah-găre′-seh	" cousin	" măittŭni	" cousin
97	" " dau	(*fs*)	ah-găre′-seh	" cousin	" măchchärl	" cousin
98	" " dau's hus		ha-yă′-o	" bro-in-law	" annan (o.) tambi (y.)	" elder or younger bro
99	" " son's son	(*ms*)	ha-ah′-wuk	" son	" mărŭmăkăn	" nephew
100	" " son's son	(*fs*)	ha-soh′-neh	" nephew	" măkăn	" son
101	" " son's dau	(*ms*)	ka-ah′-wuk	" dau	" mărŭmăkăl	" niece
102	" " son's dau	(*fs*)	ka-soh′-neh	" niece	" măkăl	" dau
103	" " dau's son	(*ms*)	ha-yă′-wän-da	" nephew	" măkăn	" son
104	" " dau's son	(*fs*)	ha-ah′-wuk	" son	" mărŭmăkăn	" nephew
105	" " "	(*ms*)	ka-yă′-wän-da	" niece	" măkăl	" dau

	dau's dau					
	"			"	"	"
106	"	(*fs*)	ka-ah′-wuk	dau	mărŭmăkăl	niece
	dau's dau					
	"			"	"	"
107	"		ha-yă′-da	GS	pêrăn	GS
	gt-GS					
	"			"	"	"
108	"		ka-yă′-da	GD	pêrtti	GD
	gt-GD					
	"			"	"	
109	mo's str		no-yeh′	mo		

	pêriyă tăy (*if older than*,)	"					
	"	mo, great					
	sĕriyă tăy (*if y'r myself*)	or little					
110		"		hoc-no′-ese	"	"	"
		"			step-fa	takkăppăn (P. or S.)	fa, great or little
		str's hus					
111		"		hă′-je	"	"	"
		"	(*otm*)		elder bro	tămăiyăn, b, annan	elder bro
		son					
112		"		ha′-gă	"	"	"
		"	(*ytm*)		younger bro	tambi	younger bro
		son					
113		"		ah-gt-ah′-ne-ah	"	"	"
		"			str-in-law	măittŭni	str-in-law & cousin
		son's wife					
114		"		ah′-je	"	"	"
		"	(*otm*)		elder str	akkàrl b, tămăkay	elder str
		dau					
115		"		ka′-gă	"	"	"
		"	(*ytm*)		younger str	tăngăichchi, b, tangay	younger str
		dau					
116		"		ha-yă′-o	"	"	"
		"			bro-in-law	măittŭnăn	bro-in-law & cousin
		dau's hus					
117		"		ha-ah′-wuk	"	"	"
		"	(*ms*)		son	măkăn	son
		son's son					
118		"		ha-soh′-neh	"	"	"
		"	(*fs*)		nephew	mărŭmăkăn	nephew
		son's son					
119		"		ka-ah′-wuk	"	"	"
		"	(*ms*)		dau	măkăl	dau
		son's dau					
120		"		ka-soh′-neh	"	"	"
		"	(*fs*)		niece	mărŭmăkăl	niece
		son's dau					

121	" " " dau's son	(*ms*)	ha-yă′-wän-da	" nephew	" mărŭmăkăn	" nephew
122	" " " dau's son	(*fs*)	ha-ah′-wuk	" son	" măkăn	" son
123	" " " dau's dau	(*ms*)	ka-yā′-wän-da	" niece	" mărŭmăkăl	" niece
124	" " " dau's dau	(*fs*)	ka-ah′-wuk	" dau	" măkăl	" dau
125	" " " gt-GS		ha-yä′-da	" GS	" pêrăn	" GS
126	" " " gt-GD		ka-yä′-da	" GD	" pêrtti	" GD
127	" fa's fa's bro		hoc′-sote	" GF	" păddăn (P. and S.)	" GF, g't or lit.
128	" " " bro's son		hä′-nih	" fa	" takkăppăn (P. and S.)	" fa, g't or lit.
129	" " " son's son	(*otm*)	hä′-je	" elder bro	" annan, b, tămăiyăn	" elder bro
130	" " " " "	(*ytm*)	ha′-gă	" younger bro	" tambi	" younger bro
131	" " " " "	(*ms*)	ha-ah′-wuk	" son	" măkăn	" son

	son's son " " " " " " " " " " " " dau						
132		(*fs*)	ka-soh′-neh	" nephew	" mărŭmăkăn	" nephew	
133		(*ms*)	ka-ah′-wuk	" dau	" măkăl	" dau	
	dau " " " " " " " " " " " gt-gt-GS						
134		(*fs*)	ka-soh′-neh	" niece	" mărŭmăkăl	" niece	
135			ha-yä′-da	" GS	" pêrăn	" GS	
	GD " " " " " " " " " " " fa's fa's str						
136			ka-yä′-da	" GD	" pêrtti	" GD	
137			oc′-sote	" GM	" păddi (P. and S.)	" GM g't or lit.	
138			ah-ga′-huc	" aunt	" táy (P. and S.)	" mo g't or lit.	
	str's dau " " " " " " " " " " " dau's dau						
139		(*ms*)	ah-gărе′-seh	" cousin	" tămăkăy (o.) tăngăy (y.)	" elder or younger str	

140	" " " " dau's dau	(*fs*)	ah-gărе′-seh	" cousin	" tămăkăy (o.) tăngăy (y.)	" elder or younger str
141	" " " " dau's dau's son	(*ms*)	ha-yă′-wän-da	" nephew	" mărŭmăkăn?	" nephew
142	" " " " dau's dau's son	(*fs*)	ha-ah′wuk	" son	" măkăn?	" son
143	" " " " dau's dau's dau	(*ms*)	ka-yă′-wän-da	" niece	" mărŭmăkăl?	" niece
144	" " " " dau's dau's dau	(*fs*)	ka-ah′-wuk	" dau	" măkăl?	" dau
145	" " " " gt-gt-GS		ha-yä′-da	" GS	" pêrăn	" GS
146	" " " " gt-gt-GD		ka-yä′-da	" GD	" pêrtti	" GD
147	" mo's mo's bro		hoc′-sote	" GF	" păddăn (P. and S.)	" GF, g't or lit.
148	" " " bro's son		hoc-no-seh	" uncle	" măмăn	" uncle

149	" " " " son's son	(*ms*)	ah-gărе′-seh	" cousin	" măittŭnăn	" cousin
150	" " " "

	"						
	"						
	GD						
157	"			oc′-	"	"	"
	mo's mo's str			sote	GM	păddi (P. and S.)	GM, g't or lit.
	"						
158	"			no-	"	"	"
	str's dau			yeh′	mo	táy (P. and S.)	mo, g't or lit.
	"						
159	"	(*otm*)		ah′-je	"	"	"
	"				elder str	tămăkăy	elder str
	dau's dau						
	"						
160	"	(*ytm*)		ka′-	"	"	"
	"			ga	younger str	tăngăy	younger str
	"						
	"						
	"						
161	"	(*ms*)		ha-	"	"	"
	"			yă′-	nephew	mărŭmăkăn	nephew
	dau's son			wän-da			
	"						
	"						
162	"	(*fs*)		ha-	"	"	"
	"			ah′-	son	măkăn	son
	"			wuk			
	"						
	"						
	"						
163	"	(*ms*)		ka-	"	"	"
	"			yă′-	niece	mărŭmăkăl	niece
	"			wän-da			
	dau						
164	"	(*fs*)		ka-	"	"	"
	"			an′-	dau	măkăl	dau
	"			wuk			
	"						
	"						
	"						

165	" " " " " gt-gt-GS		ha-yä′-da	" GS	" pêrăn	" GS
166	" " " " gt-gt-GD		ka-yä′-da	" GD	" pêrtti	" GD
167	" fa's fa's fa's bro		hoc′-sote	" GF	" irandám păddăn	" GF
168	" " " " bro's son		hoc′-sote	" GF	" păddăn (P.and S.)	" GF, g't or lit.
169	" " " " " son's son	(*otm*)	hă′-nih	" fa	" tăkăppăn (P. and S.)	" fa, g't or lit.
170	" " " " " son's son	(*ms*)	ha-ah′-wuk	" son	" măkăn	" son
171	" " " " " " son's son		ha-yä′-da	" GS	" pêrăn	" GS
172			oc′-sote	" GM	" irandám păddi	" 2d GM
173	" fa's fa's fa's str's dau		oc′-sote	" GM	" păddi (P. and S.)	" GM, g't or lit.
174	" " " " " dau's dau		no-yeh′	" mo	" táy (P. and S.)	" mo, g't or lit.

175	" " " " " " dau's dau	(*ms*)	ah′-je	" elder str	" tămăkăy tăngăy?	b,	" str, elder or younger
176	" " " " " " dau's dau		ha-soh′-neh	" niece	" mărŭmăkăl		" niece
177	" " " " " " dau's dau		ha-yä′-da	" GD	" pêrtti		" GD
178	" mo's mo's mo's bro		hoc′-sote	" GF	" irandám păddăn		" 2d GF
179	" " " bro's son		hoc′-sote	" GF	" păddăn (P. or S.)		" GF, g't or lit.
180	" " " " son's son		hoc-no′-seh	" uncle	" mămăn		" uncle
181	" " " " " son's son	(*ms*)	ah-gărе′-seh	" cousin	" măitŭnăn		" cousin
182	" " " " " " son's son	(*fs*)	ha-ah′-wuk	" son	" mărŭmăkăn		" nephew

	"						
	"						
	"						
183	"		ha-yä′-da	" GS	" pêrăn	" GC	
	"						
	"						
	" son's son						
184	" mo's mo's mo's str		oc′-sote	" GM	" irandám păddi	" 2d GM	
	"						
185	"		oc′-sote	" GM	" păddi (P. or S.)	" GM, g't or lit.	
	str's dau						
	"						
186	"		no-yeh′	" mo	" táy (P. or S.)	" mo, g't or lit.	
	" dau's dau						
	"						
	"						
187	"	(*otm*)	ah′-je	" elder str	" akkárl	" elder str	
	"						
	" dau's dau						
	"						
	"						
188	"	(*fs*)	ka-yä′-wän-da	" niece	" măkăl	" dau	
	"						
	" dau's dau						
	"						
	"						
189	"		ka-yä′-da	" GD	" pêrtti	" GD	
	"						
	" dau's dau						
190	" hus		da-yake′-ne	" hus	" kănavăn, b, purnshan	" hus	
191	" wife		da-yake′-	" wife	"	" wife	

			ne		măinavi, pernchátti	b,	
192	" hus's fa		hä-ga′-sä	" fa-in-law	" mámăn, mámanär	b,	" uncle & fa-in-law
193	" mo		ong-ga′-sä	" mo-in-law	" mámi, mánnai	b,	" aunt & mo-in-law
194	" wife's fa		oc-na′-hose	" fa-in-law	" mămăn		" uncle & fa
195	" mo		oc-na′-hose	" mo-in-law	" mámi		" aunt
196	" son-in-law		oc-na′-hose	" son-in-law	" mápillai, mărŭmăkăn	b,	" son-in-law & nephew
197	" daugt-in-law		ka′-sä	" dau-in-law	" marŭmăkal		" dau-in-law & niece
198	" step-fa		hoc-no′-ese	" step-fa			(Widows cannot marry.)
199	" mo		oc-no′-ese	" step-mo	" sĕriya táymy		My little mo
200	" son		ha′-no	" step-son	" măkăn		" son
201	" dau		ka′-no	" step-dau	" măkăl		" dau
202	" bro				" annan tambi	(o.) (y.)	" bro, older or younger
203	" str				" akkárl tăngăy	(o.) (y.)	" str, older or younger
204	" bro-in-law	(*hus's bro*)	ha-yă′-o	" bro-in-law	" măittŭnăn		" bro'r-in-law & cousin
205	" "	(*str's hus, ms*)	ah-gt-ah′-	" bro-in-law	" măittŭnăn		"

	"		ne-o			bro'r-in-law	& cousin
206	" bro-in-law	(*str's hus, fs*)	ha-yă′-o	" bro-in-law	attan (o.) maichchăn	" bro'r-in-law	& cousin
207	" bro-in-law	(*wife's bro*)	ah-ge′-ah′-ne-o	" bro-in-law	" măittŭnăn	" bro'r-in-law	& cousin
208	" bro-in-law	(*wife's str's hus*)	no relation		" sakălăn	" bro'r-in-law	& cousin
209	" bro-in-law	(*hus's str's hus*)	no relation		" sakotaran	" bro-in-law	& cousin
210	" str -in-law	(*wife's str*)	ka-yă′-o	My str-in-law	" korlunti (o.) măittŭini	" str-in-law	& cousin
211	" str -in-law	(*hus' str*)	ah-gt-ah′-ne-o	My str-in-law	" năttănae	" str-in-law	& cousin
212	" str -in-law	(*bro's wife, ms*)	ka-yă′-o	My str-in-law	" anni (o.) măittŭni (y.)	" str-in-law	& cousin
213	" str -in-law	(*bro's wife, fs*)	ah-gt-ah′-ne-o	My str-in-law	" anni (o.) măittŭni (y.)	" str-in-law	& cousin
214	" str -in-law	(*hus' bro's wife*)	no relation		" orakatti	" str-in-law	& cousin
215	" str -in-law	(*wife's bro's wife*)	no relation		" tămăkăy (o.) tāngăy (y.)	" str-in-law	& cousin
216	" widow		go-no-kw′-	widow	" kiempun	widow	

		yes′-hä′-ah			
217	" widower	ho-no-kw′-yes′-hä′-ah	widower		
218	" twins	tas-geek′-hăt	twins	Dithambathie	twins (Sanskrit)

CHAPTER IV. - THE SYNDYASMIAN AND THE PATRIARCHAL FAMILIES.

The Syndyasmian Family.—How Constituted.—Its Characteristics.—Influence upon it of the Gentile Organization.—Propensity to Pair a late Development.—Ancient Society should be studied where the highest Exemplifications are found.—The Patriarchal Family.—Paternal Power its Essential Characteristic.—Polygamy subordinate.—The Roman Family similar.—Paternal Power unknown in previous Families.

When the American aborigines were discovered, that portion of them who were in the Lower Status of barbarism, had attained to the syndyasmian or pairing family. The large groups in the marriage relation, which must have existed in the previous period, had disappeared; and in their places were married pairs, forming clearly marked, though but partially individualized families. In this family, may be recognized the germ of the monogamian, but it was below the latter in several essential particulars.

The syndyasmian family was special and peculiar. Several of them were usually found in one house, forming a communal household, in which the principle of communism in living was practiced. The fact of the conjunction of several such families in a common household is of itself an admission that the family was too feeble an organization to face alone the hardships of life. Nevertheless it was founded upon marriage between single pairs, and possessed some of the characteristics of the monogamian family. The woman was now something more than the principal[Pg 454] wife of her husband; she was his companion, the preparer of his food, and the mother of children whom he now began with some assurance to regard as his own. The birth of children, for whom they jointly cared, tended to cement the union and render it permanent.

But the marriage institution was as peculiar as the family. Men did not seek wives as they are sought in civilized society, from affection, for the passion of love, which required a higher development than they had attained, was unknown among them. Marriage, therefore, was not founded upon sentiment but upon convenience and necessity. It was left to the mothers, in effect, to arrange the marriages of their children, and they were negotiated generally without the knowledge of the parties to be married, and without asking their previous consent. It sometimes happened that entire strangers were thus brought into the marriage relation. At the proper time they were notified when the simple nuptial ceremony would be performed. Such were

the usages of the Iroquois and many other Indian tribes. Acquiescence in these maternal contracts was a duty which the parties seldom refused. Prior to the marriage, presents to the gentile relatives of the bride, nearest in degree, partaking of the nature of purchasing gifts, became a feature in these matrimonial transactions. The relation, however, continued during the pleasure of the parties, and no longer. It is for this reason that it is properly distinguished as the pairing family. The husband could put away his wife at pleasure and take another without offence, and the woman enjoyed the equal right of leaving her husband and accepting another, in which the usages of her tribe and gens were not infringed. But a public sentiment gradually formed and grew into strength against such separations. When alienation arose between a married pair, and their separation became imminent, the gentile kindred of each attempted a reconciliation of the parties, in which they were often successful; but if they were unable to remove the difficulty their separation was approved. The wife then left the home of her husband,[Pg 455] taking with her their children, who were regarded as exclusively her own, and her personal effects, upon which her husband had no claim; or where the wife's kindred predominated in the communal household, which was usually the case, the husband left the home of his wife.470 Thus the continuance of the marriage relation remained at the option of the parties.

There was another feature of the relation which shows that the American aborigines in the Lower Status of barbarism had not attained the moral development implied by monogamy. Among the Iroquois, who were barbarians of high mental grade, and among the equally advanced Indian tribes generally, chastity had come to be required of the wife under severe penalties which the husband might inflict; but he did not admit the reciprocal obligation. The one cannot be permanently realized without the other. Moreover, polygamy was universally recognized as the right of the males, although the practice was limited from inability to support the indulgence. There were other usages, that need not be mentioned, tending still further to show that they were below a conception of monogamy, as that great [Pg 456]institution is properly defined. Exceptional cases very likely existed. It will be found equally true, as I believe, of barbarous tribes in general. The principal feature which distinguished the syndyasmian from the monogamian family, although liable to numerous exceptions, was the

absence of an exclusive cohabitation. The old conjugal system, a record of which is still preserved in their system of consanguinity, undoubtedly remained, but under reduced and restricted forms.

Among the Village Indians in the Middle Status of barbarism the facts were not essentially different, so far as they can be said to be known. A comparison of the usages of the American aborigines, with respect to marriage and divorce, shows an existing similarity sufficiently strong to imply original identity of usages. A few only can be noticed. Clavgero remarks that among the Aztecs "the parents were the persons who settled all marriages, and none were ever executed without their consent."471 "A priest tied a point of the *huepilli*, or gown of the bride, with the *tilmatli*, or mantle of the bridegroom, and in this ceremony the matrimonial contract chiefly consisted."472 Herrera, after speaking of the same ceremony, observes that "all that the bride brought was kept in memory, that in case they should be unmarried again, as was usual among them, the goods might be parted; the man taking the daughters, and the wife the sons, with liberty to marry again."473

It will be noticed that the Aztec Indian did not seek his wife personally any more than the Iroquois. Among both it was less an individual than a public or gentile affair, and therefore still remained under parental control exclusively. There was very little social intercourse between unmarried persons of the two sexes in Indian life; and as attachments were not contracted, none were traversed by these marriages, in which personal wishes were unconsidered, and in fact unimportant. It appears further, that the personal effects of the wife were kept distinct among the Aztecs as [Pg 457]among the Iroquois, that in case of separation, which was a common occurrence as this writer states, she might retain them in accordance with general Indian usage. Finally, while among the Iroquois in the case of divorce the wife took all the children, the Aztec husband was entitled to the daughters, and the wife to the sons; a modification of the ancient usage which implies a prior time when the Iroquois Indian rule existed among the ancestors of the Aztecs.

Speaking of the people of Yucatan generally Herrera further remarks that "formerly they were wont to marry at twenty years of age, and afterwards came to twelve or fourteen, and having no affection for their wives were divorced for every trifle."474 The Mayas of Yucatan were superior to the

Aztecs in culture and development; but where marriages were regulated on the principle of necessity, and not through personal choice, it is not surprising that the relation was unstable, and that separation was at the option of either party. Moreover, polygamy was a recognized right of the males among the Village Indians, and seems to have been more generally practiced than among the less advanced tribes. These glimpses at institutions purely Indian as well as barbarian reveal in a forcible manner the actual condition of the aborigines in relative advancement. In a matter so personal as the marriage relation, the wishes or preferences of the parties were not consulted. No better evidence is needed of the barbarism of the people.

We are next to notice some of the influences which developed this family from the punaluan. In the latter there was more or less of pairing from the necessities of the social state, each man having a principal wife among a number of wives, and each woman a principal husband among a number of husbands; so that the tendency in the punaluan family, from the first, was in the direction of the syndyasmian.

The organization into gentes was the principal instrumentality that accomplished this result; but through long[Pg 458] and gradual processes. Firstly. It did not at once break up intermarriage in the group, which it found established by custom; but the prohibition of intermarriage in the gens excluded own brothers and sisters, and also the children of own sisters, since all of these were of the same gens. Own brothers could still share their wives in common, and own sisters their husbands; consequently the gens did not interfere directly with punaluan marriage, except to narrow its range. But it withheld permanently from that relation all the descendants in the female line of each ancestor within the gens, which was a great innovation upon the previous punaluan group. When the gens subdivided, the prohibition followed its branches, for long periods of time, as has been shown was the case among the Iroquois. Secondly. The structure and principles of the organization tended to create a prejudice against the marriage of consanguinei, as the advantages of marriages between unrelated persons were gradually discovered through the practice of marrying out of the gens. This seems to have grown apace until a public sentiment was finally arrayed against it which had become very general among the American aborigines when discovered.475 For example, among

the Iroquois none of the blood relatives enumerated in the Table of Consanguinity were marriageable. Since it became necessary to seek wives from other gentes they began to be acquired by negotiation and by purchase. The gentile organization must have led, step by step, as its influence became general, to a scarcity of wives in place of their previous abundance; and as a consequence, have gradually contracted the numbers in the punaluan group. This conclusion is reasonable, because there are sufficient grounds for assuming the existence of such groups when the Turanian system of consanguinity was formed. They have now disappeared although the sys[Pg 459]tem remains. These groups must have gradually declined, and finally disappeared with the general establishment of the syndyasmian family. Fourthly. In seeking wives, they did not confine themselves to their own, nor even to friendly tribes, but captured them by force from hostile tribes. It furnishes a reason for the Indian usage of sparing the lives of female captives, while the males were put to death. When wives came to be acquired by purchase and by capture, and more and more by effort and sacrifice, they would not be as readily shared with others. It would tend, at least, to cut off that portion of the theoretical group not immediately associated for subsistence; and thus reduce still more the size of the family and the range of the conjugal system. Practically, the group would tend to limit itself, from the first, to own brothers who shared their wives in common, and to own sisters who shared their husbands in common. Lastly. The gentes created a higher organic structure of society than had before been known, with processes of development as a social system adequate to the wants of mankind until civilization supervened. With the progress of society under the gentes, the way was prepared for the appearance of the syndyasmian family.

The influence of the new practice, which brought unrelated persons into the marriage relation, must have given a remarkable impulse to society. It tended to create a more vigorous stock physically and mentally. There is a gain by accretion in the coalescence of diverse stocks which has exercised great influence upon human development. When two advancing tribes, with strong mental and physical characters, are brought together and blended into one people by the accidents of barbarous life, the new skull and brain would widen and lengthen to the sum of the capabilities of both. Such a

stock would be an improvement upon both, and this superiority would assert itself in an increase of intelligence and of numbers.

It follows that the propensity to pair, now so powerfully developed in the civilized races, had remained unformed in the human mind until the punaluan custom began to dis[Pg 460]appear. Exceptional cases undoubtedly occurred where usages would permit the privilege; but it failed to become general until the syndyasmian family appeared. This propensity, therefore, cannot be called normal to mankind, but is, rather, a growth through experience, like all the great passions and powers of the mind.

Another influence may be adverted to which tended to retard the growth of this family. Warfare among barbarians is more destructive of life than among savages, from improved weapons and stronger incentives. The males, in all periods and conditions of society, have assumed the trade of fighting, which tended to change the balance of the sexes, and leave the females in excess. This would manifestly tend to strengthen the conjugal system created by marriages in the group. It would, also, retard the advancement of the syndyasmian family by maintaining sentiments of low grade with respect to the relations of the sexes, and the character and dignity of woman.

On the other hand, improvement in subsistence, which followed the cultivation of maize and plants among the American aborigines, must have favored the general advancement of the family. It led to localization, to the use of additional arts, to an improved house architecture, and to a more intelligent life. Industry and frugality, though limited in degree, with increased protection of life, must have accompanied the formation of families consisting of single pairs. The more these advantages were realized, the more stable such a family would become, and the more its individuality would increase. Having taken refuge in a communal household, in which a group of such families succeeded the punaluan group, it now drew its support from itself, from the household, and from the gentes to which the husbands and wives respectively belonged. The great advancement of society indicated by the transition from savagery into the Lower Status of barbarism, would carry with it a corresponding improvement in the condition of the family, the course of development of which was steadily upward to the monogamian. If the existence of[Pg 461] the syndyasmian family were unknown, given the punaluan toward one extreme, and the monogamian on the other, the occurrence of such an

intermediate form might have been predicted. It has had a long duration in human experience. Springing up on the confines of savagery and barbarism, it traversed the Middle and the greater part of the Later Period of barbarism, when it was superseded by a low form of the monogamian. Overshadowed by the conjugal system of the times, it gained in recognition with the gradual progress of society. The selfishness of mankind, as distinguished from womankind, delayed the realization of strict monogamy until that great fermentation of the human mind which ushered in civilization.

Two forms of the family had appeared before the syndyasmian and created two great systems of consanguinity, or rather two distinct forms of the same system; but this third family neither produced a new system nor sensibly modified the old. Certain marriage relationships appear to have been changed to accord with those in the new family; but the essential features of the system remained unchanged. In fact, the syndyasmian family continued for an unknown period of time enveloped in a system of consanguinity, false in the main, to existing relationships, and which it had no power to break. It was for the sufficient reason that it fell short of monogamy, the coming power able to dissolve the fabric. Although this family has no distinct system of consanguinity to prove its existence, like its predecessors, it has itself existed over large portions of the earth within the historical period, and still exists in numerous barbarous tribes.

In speaking thus positively of the several forms of the family in their relative order, there is danger of being misunderstood. I do not mean to imply that one form rises complete in a certain status of society, flourishes universally and exclusively wherever tribes of mankind are found in the same status, and then disappears in another, which is the next higher form. Exceptional cases of the punaluan family may have appeared in the consanguine, and[Pg 462] *vice versâ*; exceptional cases of the syndyasmian may have appeared in the midst of the punaluan, and *vice versâ*; and exceptional cases of the monogamian in the midst of the syndyasmian, and *vice versâ*. Even exceptional cases of the monogamian may have appeared as low down as the punaluan, and of the syndyasmian as low down as the consanguine. Moreover, some tribes attained to a particular form earlier than other tribes more advanced; for example, the Iroquois had the syndyasmian family while in the Lower Status of barbarism, but the Britons, who were in the Middle Status, still had the punaluan. The high civilization on the shores of the Mediterranean had propagated arts and

inventions into Britain far beyond the mental development of its Celtic inhabitants, and which they had imperfectly appropriated. They seem to have been savages in their brains, while wearing the art apparel of more advanced tribes. That which I have endeavored to substantiate, and for which the proofs seem to be adequate, is, that the family began in the consanguine, low down in savagery, and grew, by progressive development, into the monogamian, through two well-marked intermediate forms. Each was partial in its introduction, then general, and finally universal over large areas; after which it shaded off into the next succeeding form, which, in turn, was at first partial, then general, and finally universal in the same areas. In the evolution of these successive forms the main direction of progress was from the consanguine to the monogamian. With deviations from uniformity in the progress of mankind through these several forms, it will generally be found that the consanguine and punaluan families belong to the status of savagery—the former to its lowest, and the latter to its highest condition—while the punaluan continued into the Lower Status of barbarism; that the syndyasmian belongs to the Lower and to the Middle Status of barbarism, and continued into the Upper; and that the monogamian belongs to the Upper Status of barbarism, and continued to the period of civilization.

It will not be necessary, even if space permitted, to trace[Pg 463] the syndyasmian family through barbarous tribes in general upon the partial descriptions of travelers and observers. The tests given may be applied by each reader to cases within his information. Among the American aborigines in the Lower Status of barbarism it was the prevailing form of the family at the epoch of their discovery. Among the Village Indians in the Middle Status, it was undoubtedly the prevailing form, although the information given by the Spanish writers is vague and general. The communal character of their joint-tenement houses is of itself strong evidence that the family had not passed out of the syndyasmian form. It had neither the individuality nor the exclusiveness which monogamy implies. The foreign elements intermingled with the native culture in sections of the Eastern hemisphere produced an abnormal condition of society, where the arts of civilized life were remolded to the aptitudes and wants of savages and barbarians.476 Tribes strictly nomadic have also social peculiarities, growing out of their exceptional mode of life, which are not well

understood. Through influences, derived from the higher races, the indigenous culture of many tribes has been arrested, and so far adulterated as to change the natural flow of their progress. Their institutions and social state became modified in consequence.

It is essential to systematic progress in Ethnology that the condition both of savage and of barbarous tribes should be studied in its normal development in areas where the institutions of the people are homogeneous. Polynesia and Australia, as elsewhere suggested, are the best areas for the study of savage society. Nearly the whole theory of savage life may be deduced from their institutions, usages and customs, inventions and discoveries. North and South America, when discovered, afforded the best opportunities for studying the condition of society in the Lower and[Pg 464] in the Middle Status of barbarism. The aborigines, one stock in blood and lineage, with the exception of the Eskimos, had gained possession of a great continent, more richly endowed for human occupation than the Eastern continents, save in animals capable of domestication. It afforded them an ample field for undisturbed development. They came into its possession apparently in a savage state; but the establishment of the organization into gentes put them into possession of the principal germs of progress possessed by the ancestors of the Greeks and Romans.477 Cut off thus early, and losing all further connection with the central stream of human progress, they commenced their career upon a new continent with the humble mental and moral endowments of savages. The independent evolution of the primary ideas they brought with them commenced under conditions insuring a career undisturbed by foreign influences. It holds true alike in the growth of the idea of government, of the family, of household life, of property, and of the arts of subsistence. Their institutions, inventions and discoveries, from savagery, through the Lower and into the Middle Status of barbarism, are homogeneous, and still reveal a continuity of development of the same original conceptions.

In no part of the earth, in modern times, could a more perfect exemplification of the Lower Status of barbarism be found than was afforded by the Iroquois, and other tribes of the United States east of the Mississippi. With their arts indigenous and unmixed, and with their institutions pure and homogeneous, the culture of this period, in its range, elements and possibilities, is illustrated by them in the fullest manner. A

systematic exposition of these[Pg 465] several subjects ought to be made, before the facts are allowed to disappear.

In a still higher degree all this was true with respect to the Middle Status of barbarism, as exemplified by the Village Indians of New Mexico, Mexico, Central America, Grenada, Ecuador, and Peru. In no part of the earth was there to be found such a display of society in this Status, in the sixteenth century, with its advanced arts and inventions, its improved architecture, its nascent manufactures and its incipient sciences. American scholars have a poor account to render of work done in this fruitful field. It was in reality a lost condition of ancient society which was suddenly unveiled to European observers with the discovery of America; but they failed to comprehend its meaning, or to ascertain its structure.

There is one other great condition of society, that of the Upper Status of barbarism, not now exemplified by existing nations; but it may be found in the history and traditions of the Grecian and Roman, and later of the German tribes. It must be deduced, in the main, from their institutions, inventions and discoveries, although there is a large amount of information illustrative of the culture of this period, especially in the Homeric poems. When these several conditions of society have been studied in the areas of their highest exemplification, and are thoroughly understood, the course of human development from savagery, through barbarism to civilization, will become intelligible as a connected whole. The course of human experience will also be found as before suggested to have run in nearly uniform channels.

The patriarchal family of the Semitic tribes requires but a brief notice, for reasons elsewhere stated; and it will be limited to little more than a definition. It belongs to the Later Period of barbarism, and remained for a time after the commencement of civilization. The chiefs, at least, lived in polygamy; but this was not the material principle of the patriarchal institution. The organization of a number of persons, bond and free, into a family, under pater[Pg 466]nal power, for the purpose of holding lands, and for the care of flocks and herds, was the essential characteristic of this family. Those held to servitude, and those employed as servants, lived in the marriage relation, and, with the patriarch as their chief, formed a patriarchal family. Authority over its members and over its property was the material fact. It was the incorporation of numbers in servile and dependent relations, before that time unknown, rather than polygamy, that stamped the

patriarchal family with the attributes of an original institution. In the great movement of Semitic society, which produced this family, paternal power over the group was the object sought; and with it a higher individuality of persons.

The same motive precisely originated the Roman family under paternal power (*patria potestas*); with the power in the father of life and death over his children and descendants, as well as over the slaves and servants who formed its nucleus and furnished its name; and with the absolute ownership of all the property they created. Without polygamy, the *pater familias* was a patriarch and the family under him was patriarchal. In a less degree, the ancient family of the Grecian tribes had the same characteristics. It marks that peculiar epoch in human progress when the individuality of the person began to rise above the gens, in which it had previously been merged, craving an independent life, and a wider field of individual action. Its general influence tended powerfully to the establishment of the monogamian family, which was essential to the realization of the objects sought. These striking features of the patriarchal families, so unlike any form previously known, have given to it a commanding position; but the Hebrew and Roman forms were exceptional in human experience. In the consanguine and punaluan families, paternal authority was impossible as well as unknown; under the syndyasmian it began to appear as a feeble influence; but its growth steadily advanced as the family became more and more individualized, and became fully established under monogamy, which assured the paternity of children. In the patriarchal family[Pg 467] of the Roman type, paternal authority passed beyond the bounds of reason into an excess of domination.

No new system of consanguinity was created by the Hebrew patriarchal family. The Turanian system would harmonize with a part of its relationships; but as this form of the family soon fell out, and the monogamian became general, it was followed by the Semitic system of consanguinity, as the Grecian and Roman were by the Aryan. Each of the three great systems—the Malayan, the Turanian, and the Aryan—indicates a completed organic movement of society, and each assured the presence, with unerring certainty, of that form of the family whose relationships it recorded.

CHAPTER V. - THE MONOGAMIAN FAMILY.

This Family comparatively Modern.—The Term Familia.—Family of Ancient Germans.—Of Homeric Greeks.—Of civilized Greeks.—Seclusion of Wives.—Obligations of Monogamy not respected by the Males.—The Roman Family.—Wives under Power.—Aryan System of Consanguinity.—It came in under Monogamy.—Previous System probably Turanian.—Transition from Turanian into Aryan.—Roman and Arabic Systems of Consanguinity.—Details of the Former.—Present Monogamian Family.—Table.

The origin of society has been so constantly traced to the monogamian family that the comparatively modern date now assigned to this family bears the semblance of novelty. Those writers who have investigated the origin of society philosophically, found it difficult to conceive of its existence apart from the family as its unit, or of the family itself as other than monogamian. They also found it necessary to regard the married pair as the nucleus of a group of persons, a part of whom were servile, and all of whom were under power; thus arriving at the conclusion that society began in the patriarchal family, when it first became organized. Such, in fact, was the most ancient form of the institution made known to us among the Latin, Grecian and Hebrew tribes. Thus, by relation, the patriarchal family was made the typical family of primitive society, conceived either in the Latin or Hebrew form, paternal power being the essence of the organism.

The gens, as it appeared in the later period of barbarism,[Pg 469] was well understood, but it was erroneously supposed to be subsequent in point of time to the monogamian family. A necessity for some knowledge of the institutions of barbarous and even of savage tribes, is becoming constantly more apparent as a means for explaining our own institutions. With the assumption made that the monogamian family was the unit of organization in the social system, the gens was treated as an aggregation of families, the tribe as an aggregation of gentes, and the nation as an aggregate of tribes. The error lies in the first proposition. It has been shown that the gens entered entire in the phratry, the phratry into the tribe, and the tribe into the nation; but the family could not enter entire into the gens, because husband and wife were necessarily of different gentes. The wife, down to the latest period, counted herself of the gens of her father, and bore the name of his gens among the Romans. As all the parts must enter into the whole, the family could not become the unit of the gentile organization. That place was held by the gens. Moreover, the patriarchal family, whether of the Roman or of the Hebrew type, was entirely unknown throughout the period of savagery, through the Older, and probably through the Middle, and far into the Later Period of barbarism. After the gens had appeared, ages upon ages, and even period upon period, rolled away before the monogamian family came into existence. It was not until after civilization commenced that it became permanently established.

Its modern appearance among the Latin tribes may be inferred from the signification of the word *family*, derived from *familia*, which contains the same element as *famulus*, = servant, supposed to be derived from the Oscan *famel*, = *servus*, a slave.[478] In its primary meaning the word *family* had no relation to the married pair or their children, but to the body of slaves and servants who labored for its maintenance, and were under the power of the *pater familias*. *Familia* in some testamentary dispositions is used as equiv[Pg 470]alent to *patrimonium*, the inheritance which passed to the heir.[479] It was introduced in Latin society to define a new organism, the head of which held wife and children, and a body of servile persons under paternal power. Mommsen uses the phrase "body of servants" as the Latin signification of *familia*.[480] This term, therefore, and the idea it represents, are no older than the iron-clad family system of the Latin tribes, which came in after field agriculture and after legalized servitude, as well as after the separation of the Greeks and Latins. If any name was given to the anterior family it is not now ascertainable.

In two forms of the family, the consanguine and punaluan, paternal power was impossible. When the gens appeared in the midst of the punaluan group it united the several sisters, with their children and descendants in the female line, in perpetuity, in a gens, which became the unit of organization in the social system it created. Out of this state of things the syndyasmian family was gradually evolved, and with it the germ of paternal power. The growth of this power, at first feeble and fluctuating, then commenced, and it steadily increased, as the new family more and more assumed monogamian characteristics, with the upward progress of society. When property began to be created in masses, and the desire for its transmission to children had changed descent from the female line to the male, a real foundation for paternal power was for the first time established. Among the Hebrew and Latin tribes, when first known, the patriarchal family of the Hebrew type existed among the former, and of the Roman type among the latter; founded in both cases upon the limited or absolute servitude of a number of persons with their families, all of whom, with the wives and children of the patriarch in one case, and of the *pater familias* in the other, were under paternal power. It was an exceptional, and, in the Roman family, an excessive development of paternal authority, which, so far from being universal, was restricted[Pg 471] in the main to the people named.

Gaius declares that the power of the Roman father over his children was peculiar to the Romans, and that in general no other people had the same power.481

It will be sufficient to present a few illustrations of the early monogamian family from classical writers to give an impression of its character. Monogamy appears in a definite form in the Later Period of barbarism. Long prior to this time some of its characteristics had undoubtedly attached themselves to the previous syndyasmian family; but the essential element of the former, an exclusive cohabitation, could not be asserted of the latter.

One of the earliest and most interesting illustrations was found in the family of the ancient Germans. Their institutions were homogeneous and indigenous; and the people were advancing toward civilization. Tacitus, in a few lines, states their usages with respect to marriage, without giving the composition of the family or defining its attributes. After stating that marriages were strict among them, and pronouncing it commendable, he further remarks, that almost alone among barbarians they contented themselves with a single wife—a very few excepted, who were drawn into plural marriages, not from passion, but on account of their rank. That the wife did not bring a dowry to her husband, but the husband to his wife, ... a caparisoned horse, and a shield, with a spear and sword. That by virtue of these gifts the wife was espoused.482 The presents, in the nature of purchasing gifts, which probably in an earlier condition went to the gentile kindred of the bride, were now presented to the bride. Elsewhere he mentions the two material facts in which the substance of monogamy is found:483 firstly, that each man was contented with a single wife (*singulis uxoribus contenti* [Pg 472] *sunt*); and, secondly, that the women lived fenced around with chastity (*septæ pudicitia agunt*). It seems probable, from what is known of the condition of the family in different ethnical periods, that this of the ancient Germans was too weak an organization to face alone the hardships of life; and, as a consequence, sheltered itself in a communal household composed of related families. When slavery became an institution, these households would gradually disappear. German society was not far enough advanced at this time for the appearance of a high type of the monogamian family.

With respect to the Homeric Greeks, the family, although monogamian, was low in type. Husbands required chastity in their wives, which they sought to enforce by some degree of seclusion; but they did not admit the reciprocal obligation by which alone it could be permanently secured. Abundant evidence appears in the Homeric poems that woman had few rights men were bound to respect. Such female captives as were swept into their vessels by the Grecian chiefs, on their way to Troy, were appropriated to their passions without compunction and without restraint. It must be taken as a faithful picture of the times, whether the incidents narrated in the poems were real or fictitious. Although the persons were captives, it reflects the low estimate placed upon woman. Her dignity was unrecognized, and her personal rights were insecure. To appease the resentment of Achilles, Agamemnon proposed, in a council of the Grecian chiefs, to give to him, among other things, seven Lesbian women excelling in personal beauty, reserved for himself from the spoil of that city, Briseis herself to go among the number; and should Troy be taken, the further right to select twenty Trojan women, the fairest of all next to Argive Helen.484 “Beauty and Booty” were the watchwords of the Heroic Age unblushingly avowed. The treatment of their female captives reflects the culture of the period with respect to women in general. Men having no regard for the parental, marital or personal rights of their[Pg 473] enemies, could not have attained to any high conception of their own.

In describing the tent life of the unwedded Achilles, and of his friend Patroclus, Homer deemed it befitting the character and dignity of Achilles as a chief to show, that he slept in the recess of his well-constructed tent, and by his side lay a female, fair-cheeked Diomede, whom he had brought from Lesbos. And that Patroclus on the other side reclined, and by him also lay fair-waisted Iphis, whom noble Achilles gave him, having captured her at Scyros.485 Such usages and customs on the part of unmarried as well as married men, cited approvingly by the great poet of the period, and sustained by public sentiment, tend to show that whatever of monogamy existed, was through an enforced constraint upon wives, while their husbands were not monogamists in the preponderating number of cases. Such a family has quite as many syndyasmian as monogamian characteristics.

The condition of woman in the Heroic Age is supposed to have been more favorable, and her position in the household more honorable than it was at the commencement of civilization, and even afterwards under their highest development. It may have been true in a far anterior period before descent was changed to the male line, but there seems to be little room for the conjecture at the time named. A great change for the better occurred, so far as the means and mode of life were concerned, but it served to render more conspicuous the real estimate placed upon her through the Later Period of barbarism.

Elsewhere attention has been called to the fact, that when descent was changed from the female line to the male, it operated injuriously upon the position and rights of the wife and mother. Her children were transferred from her own gens to that of her husband, and she forfeited her agnatic rights by her marriage without obtaining an

equivalent. Before the change, the members of her own gens, in all probability, predominated in the household,[Pg 474] which gave full force to the maternal bond, and made the woman rather more than the man the center of the family. After the change she stood alone in the household of her husband, isolated from her gentile kindred. It must have weakened the influence of the maternal bond, and have operated powerfully to lower her position and arrest her progress in the social scale. Among the prosperous classes, her condition of enforced seclusion, together with the avowed primary object of marriage, to beget children in lawful wedlock (παιδοποιεῖσθαι γνησίως), lead to the inference that her position was less favorable in the Heroic Age than in the subsequent period, concerning which we are much better informed.

From first to last among the Greeks there was a principle of egotism or studied selfishness at work among the males, tending to lessen the appreciation of woman, scarcely found among savages. It reveals itself in their plan of domestic life, which in the higher ranks secluded the wife to enforce an exclusive cohabitation, without admitting the reciprocal obligation on the part of her husband. It implies the existence of an antecedent conjugal system of the Turanian type, against which it was designed to guard. So powerfully had the usages of centuries stamped upon the minds of Grecian women a sense of their inferiority, that they did not recover from it to the latest period of Grecian ascendency. It was, perhaps, one of the sacrifices required of womankind to bring this portion of the human race out of the syndyasmian into the monogamian family. It still remains an enigma that a race, with endowments great enough to impress their mental life upon the world, should have remained essentially barbarian in their treatment of the female sex at the height of their civilization. Women were not treated with cruelty, nor with discourtesy within the range of the privileges allowed them; but their education was superficial, intercourse with the opposite sex was denied them, and their inferiority was inculcated as a principle, until it came to be accepted as a fact by the women themselves. The wife was not the companion and the[Pg 475] equal of her husband, but stood to him in the relation of a daughter; thus denying the fundamental principle of monogamy, as the institution in its highest form must be understood. The wife is necessarily the equal of her husband in dignity, in personal rights and in social position. We may thus discover at what a price of experience and endurance this great institution of modern society has been won.

Our information is quite ample and specific with respect to the condition of Grecian women and the Grecian family during the historical period. Becker, with the marvelous research for which his works are distinguished, has collected the principal facts and presented them with clearness and force.486 His statements, while they do not furnish a com[Pg 476]plete picture of the family of the historical period, are quite sufficient to indicate the great difference between the Grecian and the modern civilized family, and also to show the condition of the monogamian family in the early stages of its development.

Among the facts stated by Becker, there are two that deserve further notice: first, the declaration that the chief object of marriage was the procreation of children in lawful wedlock; and second, the seclusion of women to insure this result. The two are intimately connected, and throw some reflected light upon the previous condition from which they had emerged. In the first place, the passion of love [Pg 477]was unknown among the barbarians. They are below the sentiment, which is the offspring of civilization and superadded refinement. The Greeks in general, as their marriage customs show, had not attained to a knowledge of this passion, although there were, of course, numerous exceptions. Physical worth, in Grecian estimation, was the measure of all the excellences of which the female sex were capable. Marriage, therefore, was not grounded upon sentiment, but upon necessity and duty. These considerations are those which governed the Iroquois and the Aztecs; in fact they originated in barbarism, and reveal the anterior barbarous condition of the ancestors of the Grecian tribes. It seems strange that they were sufficient to answer the Greek ideal of the family relation in the midst of Grecian civilization. The growth of property and the desire for its transmission to children was, in reality, the moving power which brought in monogamy to insure legitimate heirs, and to limit their number to the actual progeny of the married pair. A knowledge of the paternity of children had begun to be realized under the syndyasmian family, from which the Grecian form was evidently derived, but it had not attained the requisite degree of certainty because of the survival of some portion of the ancient *jura conjugialia*. It explains the new usage which made its appearance in the Upper Status of barbarism; namely, the seclusion of wives. An implication to this effect arises from the circumstance that a necessity for the seclusion of the wife must have existed at the time, and which seems to have been so formidable that the plan of domestic life among the civilized Greeks was, in reality, a system of female confinement and restraint. Although the particulars cited relate more especially to the family among the prosperous classes, the spirit it evinces was doubtless general.

Turning next to the Roman family, the condition of woman is more favorable, but her subordination the same.

She was treated with respect in Rome as in Athens, but in the Roman family her influence and authority were greater. As *mater familias* she was mistress of the fam[Pg 478]ily. She went into the streets freely without restraint on the part of her husband, and frequented with the men the theaters and festive banquets. In the house she was not confined to particular apartments, neither was she excluded from the table of the men. The absence of the worst restrictions placed upon Grecian females was favorable to the growth of a sense of personal dignity and of independence among Roman women. Plutarch remarks that after the peace with the Sabines, effected through the intervention of the Sabine women, many honorable privileges were conferred upon them; the men were to give them the way when they met on the street; they were not to utter a vulgar word in the presence of females, nor appear nude before them.487 Marriage, however, placed the wife in the power of her husband (*in manum viri*); the notion that she must remain under power following, by an apparent necessity, her emancipation by her marriage from paternal power. The husband treated his wife as his daughter, and not as his equal. Moreover, he had the power of correction, and of life and death in case of adultery; but the exercise of this last power seems to have been subject to the concurrence of the council of her gens.

Unlike other people, the Romans possessed three forms of marriage. All alike placed the wife in the hand of her husband, and recognized as the chief end of marriage the procreation of children in lawful wedlock (*liberorum querendorum causa*).488 These forms (*confarreatio*, *coëmptio*, and *usus*) lasted through the Republic, but fell out under the Empire, when a fourth form, the free marriage, was generally adopted, because it did not place the wife in the power of her husband. Divorce, from the earliest period, was at the option of the parties, a characteristic of the syndyasmian family, and transmitted probably from that source. They rarely occurred, however, until near the close of the Republic.489

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The licentiousness which prevailed in Grecian and Roman cities at the height of civilization has generally been regarded as a lapse from a higher and purer condition of virtue and morality. But the fact is capable of a different, or at least of a modified explanation. They had never attained to a pure morality in the intercourse of the sexes from which to decline. Repressed or moderated in the midst of war and strife endangering the national existence, the license revived with peace and prosperity, because the moral elements of society had not risen against it for its extirpation. This licentiousness was, in all probability, the remains of an ancient conjugal system, never fully eradicated, which had followed down from barbarism as a social taint, and now expressed its excesses in the new channel of hetærism. If the Greeks and Romans had learned to respect the equities of monogamy, instead of secluding their wives in the gynæconitis in one case, and of holding them under power in the other, there is reason to believe that society among them would have presented a very different aspect. Since neither one nor the other had developed any higher morality, they had but little occasion to mourn over a decay of public morals. The substance of the explanation lies in the fact that neither recognized in its integrity the principle of monogamy, which alone was able to place their respective societies upon a moral basis. The premature destruction of the ethnic life of these remarkable races is due in no small measure to their failure to develop and utilize the mental, moral and conservative [Pg 480]forces of the female intellect, which were not less essential than their own corresponding forces to their progress and preservation. After a long protracted experience in barbarism, during which they won the remaining elements of civilization, they perished politically, at the end of a brief career, seemingly from the exhilaration of the new life they had created.

Among the Hebrews, whilst the patriarchal family in the early period was common with the chiefs, the monogamian, into which the patriarchal soon subsided, was common among the people. But with respect to the constitution of the latter, and the relations of husband and wife in the family, the details are scanty.

Without seeking to multiply illustrations, it is plain that the monogamian family had grown into the form in which it appeared, at the commencement of the historical period, from a lower type; and that during the classical period it advanced sensibly, though without attaining its highest form. It evidently sprang from a previous syndyasmian family as its immediate germ; and while improving with human progress it fell short of its true ideal in the classical period. Its highest known perfection, at least, was not attained until modern times. The portraiture of society in the Upper Status of barbarism by the early writers implies the general practice of monogamy, but with attending circumstances indicating that it was the monogamian family of the future struggling into existence under adverse influences, feeble in vitality, rights and immunities, and still environed with the remains of an ancient conjugal system.

As the Malayan system expressed the relationships that existed in the consanguine family, and as the Turanian expressed those which existed in the punaluan, so the Aryan expressed those which existed in the monogamian; each family resting upon a different and distinct form of marriage.

It cannot be shown absolutely, in the present state of our knowledge, that the Aryan, Semitic and Uralian families of mankind formerly possessed the Turanian system of[Pg 481] consanguinity, and that it fell into desuetude under monogamy. Such, however, would be the presumption from the body of ascertained facts. All the evidence points in this direction so decisively as to exclude any other hypothesis. Firstly. The organization into gentes had a natural origin in the punaluan family, where a group of sisters married to each other's husbands furnished, with their children and descendants in the female line, the exact circumscription as well as the body of a gens in its archaic form. The principal branches of the Aryan family were organized in gentes when first known historically, sustaining the inference that, when one undivided people, they were thus organized. From this fact the further presumption arises that they derived the organization through a remote ancestry who lived in that same punaluan condition which gave birth to this remarkable and wide-spread institution. Besides this, the Turanian system of consanguinity is still found connected with the gens in its archaic form among the American aborigines. This natural connection would remain unbroken until a change of social condition occurred, such as monogamy would produce, having power to work its overthrow. Secondly. In the Aryan system of consanguinity there is some evidence pointing to the same conclusion. It may well be supposed that a large portion of the nomenclature of the Turanian system would fall out under monogamy, if this system had previously prevailed among the Aryan nations. The application of its terms to categories of persons, whose relationships would now be discriminated from each other, would compel their abandonment. It is impossible to explain the impoverished condition of the original nomenclature of the Aryan system except on this hypothesis. All there was of it common to the several Aryan dialects are the terms for father and mother, brother and sister, and son and daughter; and a common term (San., *naptar*; Lat., *nepos*; Gr., ἀνεψίος;) applied indiscriminately to nephew, grandson, and cousin. They could never have attained to the advanced condition implied by monogamy with such a scanty nomenclature of[Pg 482] blood relationships. But with a previous system, analogous to the Turanian, this impoverishment can be explained. The terms for brother and sister were now in the abstract, and new creations, because these relationships under the Turanian system were conceived universally as elder and younger; and the several terms were applied to categories of persons, including persons not own brothers and sisters. In the Aryan system this distinction is laid aside, and for the first time these relationships were conceived in the abstract. Under monogamy the old terms were inapplicable because they were applied to collaterals. Remains of a prior Turanian system, however, still appear in the system of the Uralian family, as among the Hungarians, where brothers and sisters are classified into elder and younger by special terms. In French, also, besides *frère*, and *sœur*, we find *aîné*, elder brother, *pûné* and *cadet*, younger brother, and *aînée* and *cadette*, elder and younger sister. So also in Sanskrit we find *agrajar*, and *amujar*, and *agrajri*, and *amujri* for the same relationships; but whether the latter are from Sanskrit or aboriginal sources, I am unable to state. In the Aryan dialects the terms for brother and sister are the same words dialectically changed, the Greek having substituted ἀδελφός for φράτηρ. If common terms once existed in these dialects for elder and younger brother and sister, their previous application to categories of persons would render them inapplicable, as an exclusive distinction, to own brothers and sisters. The falling out from the Aryan system of this striking and beautiful feature of the Turanian requires a strong motive for its occurrence, which the previous existence and abandonment of the Turanian system would explain. It would be difficult to find any other. It is not supposable that the Aryan nations were without a term for grandfather in the original speech, a relationship recognized universally among savage and barbarous tribes; and yet there is no common term for this relationship in the Aryan dialects. In Sanskrit we have *pitameha*, in Greek πάππος, in Latin *avus*, in Russian *djed*, in Welsh *hendad*, which last is a compound like the[Pg 483] German *grossvader* and the English grandfather. These terms are radically different. But with a term under a previous system, which was applied not only to the grandfather proper, his brothers, and his several male cousins, but also to the brothers and several male cousins of his grandmother, it could not be made to signify a lineal grandfather and progenitor under monogamy. Its abandonment would be apt to occur in course of time. The absence of a term for this relationship in the original speech seems to find in this manner a sufficient explanation. Lastly. There is no term for uncle and aunt in the abstract, and no special terms for uncle and aunt on the father's side and on the mother's side running through the Aryan dialects. We find *pitroya*, πάτρως, and *patruus* for paternal uncle in Sanskrit, Greek, and Latin; *stryc* in Slavonic for the same, and a common term, *eam*, *oom*, and *oheim* in Anglo-Saxon, Belgian, and German, and none in the Celtic. It is equally inconceivable that there was no term in the original Aryan speech for maternal uncle, a relationship made so conspicuous by the gens among barbarous tribes. If their previous system was Turanian, there was necessarily a term for this uncle, but restricted to the own brothers of the mother, and to her several male cousins. Its application to such a number of persons in a category, many of whom could not be uncles under monogamy, would, for the reasons stated, compel its abandonment. It is evident that a previous system of some kind must have given place to the Aryan.

Assuming that the nations of the Aryan, Semitic and Uralian families formerly possessed the Turanian system of consanguinity, the transition from it to a descriptive system was simple and natural, after the old system, through monogamy, had become untrue to descents as they would then exist. Every relationship under monogamy is specific. The new system, formed under such circumstances, would describe the persons by means of the primary terms or a combination of them: as brother's son for nephew, father's brother for uncle, and father's brother's son for cousin.[Pg 484] Such was the original of the present system of the Aryan, Semitic and Uralian families. The generalizations they now contain were of later introduction. All the tribes possessing the Turanian system describe their kindred by the same formula, when asked in what manner one person was related to another. A descriptive system precisely like the Aryan always existed both with the Turanian and the Malayan, not as a system of consanguinity, for they had a permanent system, but as a means of tracing relationships. It is plain from the impoverished conditions of their nomenclatures that the Aryan, Semitic and Uralian nations must have rejected a prior system of consanguinity of some kind. The conclusion, therefore, is reasonable that when the monogamian family became generally established these nations fell back upon the old descriptive form, always in use under the Turanian system, and allowed the previous one to die out as useless and untrue to descents. This would be the natural and obvious mode of transition from the Turanian into the Aryan system; and it explains, in a satisfactory manner, the origin as well as peculiar character of the latter.

In order to complete the exposition of the monogamian family in its relations to the Aryan system of consanguinity, it will be necessary to present this system somewhat in detail, as has been done in the two previous cases.

A comparison of its forms in the several Aryan dialects shows that the original of the present system was purely descriptive.490 The Erse, which is the typical Aryan form, and the Esthonian, which is the typical Uralian, are still descriptive. In the Erse the only terms for the blood relationships are the primary, namely, those for father and mother, brother and sister, and son and daughter. All the remaining kindred are described by means of these terms, but commencing in the reverse order: thus brother, son of brother, and son of son of brother. The Aryan system exhibits the actual relationships under monogamy, and assumes that the paternity of children is known.

In course of time a method of description, materially[Pg 485] different from the Celtic, was engrafted upon the new system; but without changing its radical features. It was introduced by the Roman civilians to perfect the framework of a code of descents, to the necessity for which we are indebted for its existence. Their improved method has been adopted by the several Aryan nations among whom the Roman influence extended. The Slavonic system has some features entirely peculiar and evidently of Turanian origin.491 To obtain a knowledge historically of our present system it is necessary to resort to the Roman, as perfected by the civilians.492 The additions were slight, but they changed the method of describing kindred. They consisted chiefly, as elsewhere stated, in distinguishing the relationships of uncle and aunt on the father's side from those on the mother's side, with the invention of terms to express these relationships in the concrete; and in creating a term for grandfather to be used as the correlative of *nepos*. With these terms and the primary, in connection with suitable augments, they were enabled to systematize the relationships in the lineal and in the first five collateral lines, which included the body of the kindred of every individual. The Roman is the most perfect and scientific system of consanguinity under monogamy which has yet appeared; and it has been made more attractive by the invention of an unusual number of terms to express the marriage relationships. From it we may learn our own system, which has adopted its improvements, better than from the Anglo-Saxon or Celtic. In a table, at the end of this chapter, the Latin and Arabic forms are placed side by side, as representatives, respectively, of the Aryan and Semitic systems. The Arabic seems to have passed through processes similar to the Roman, and with similar results. The Roman only will be explained.

From *Ego* to *tritavus*, in the lineal line, are six generations of ascendants, and from the same to *trinepos* are the same number of descendants, in the description of which[Pg 486] but four radical terms are used. If it were desirable to ascend above the sixth ancestor, *tritavus* would become a new starting-point of description; thus, *tritavi pater*, the father of *tritavus*, and so upward to *tritavi tritavus*, who is the twelfth ancestor of *Ego* in the lineal right line, male. In our rude nomenclature the phrase grandfather's grandfather must be repeated six times to express the same relationship, or rather to describe the same person. In like manner *trinepotis trinepos* carries us to the twelfth descendant of *Ego* in the right lineal male line.

The first collateral line, male, which commences with brother, *frater*, runs as follows: *Fratris filius*, son of brother, *fratris nepos*, grandson of brother, *fratris pronepos*, great-grandson of brother, and on to *fratris trinepos*, the great-grandson of the great-grandson of the brother of *Ego*. If it were necessary to extend the description to the twelfth descendant, *fratris trinepos* would become a second starting-point, from which we should have *fratris trinepotis*

trinepos, as the end of the series. By this simple method *frater* is made the root of descent in this line, and every person belonging to it is referred to him by the force of this term in the description; and we know at once that each person thus described belongs to the first collateral line, male. It is therefore specific and complete. In like manner, the same line, female, commences with sister, *soror*, giving for the series, *sororis filia*, sister's daughter, *sororis neptis*, sister's granddaughter, *sororis proneptis*, sister's great-granddaughter, and on to *sororis trineptis*, her sixth descendant, and to *sororis trineptis trineptis*, her twelfth descendant. While the two branches of the first collateral line originate, in strictness, in the father, *pater*, the common bond of connection between them, yet, by making the brother and sister the root of descent in the description, not only the line but its two branches are maintained distinct, and the relationship of each person to *Ego* is specialized. This is one of the chief excellences of the system, for it is carried into all the lines, as a purely scientific method of distinguishing and describing kindred. [Pg 487]

The second collateral line, male, on the father's side, commences with father's brother, *patruus*, and is composed of him and his descendants. Each person, by the terms used to describe him, is referred with entire precision to his proper position in the line, and his relationship is indicated specifically; thus, *patrui filius*, son of paternal uncle, *patrui nepos*, grandson of, and *patrui pronepos*, great-grandson of paternal uncle, and on to *patrui trinepos*, the sixth descendant of *patruus*. If it became necessary to extend this line to the twelfth generation we should have, after passing through the intermediate degrees, *patrui trinepotis trinepos*, who is the great-grandson of the great-grandson of *patrui trinepos*, the great-grandson of the great-grandson of *patruus*. It will be observed that the term for cousin is rejected in the formal method used in the Pandects. He is described as *patrui filius*, but he was also called a brother patrual, *frater patruelis*, and among the people at large by the common term *consobrinus*, from which our term cousin is derived.493 The second collateral line, female, on the father's side, commences with father's sister, *amita*, paternal aunt; and her descendants are described according to the same general plan; thus, *amitæ filia*, paternal aunt's daughter, *amitæ neptis*, paternal aunt's granddaughter, and on to *amitæ trineptis*, and to *amitæ trineptis trineptis*. In this branch of the line the special term for this cousin, *amitina*, is also set aside for the descriptive phrase *amitæ filia*.

In like manner the third collateral line, male, on the father's side commences with grandfather's brother, who is styled *patruus magnus*, or great paternal uncle. At this point in the nomenclature, special terms fail, and compounds are resorted to, although the relationship itself is in the concrete. It is evident that this relationship was not discriminated until a comparatively modern period. No ex[Pg 488]isting language, so far as the inquiry has been extended, possesses an original term for this relationship, although without it this line cannot be described except by the Celtic method. If he were called simply *grandfather's brother*, the phrase would describe a person, leaving the relationship to implication; but if he is styled a great-uncle, it expresses a relationship in the concrete. With the first person in this branch of the line thus made definite, all of his descendants are referred to him, by the form of the description, as the root of descent; and the line, the side, the particular branch, and the degree of the relationship of each person are at once fully expressed. This line also may be extended to the twelfth descendant, which would give for the series *patrui magni filius*, son of the paternal great-uncle, *patrui magni nepos*, and on to *patrui magni trinepos*, and ending with *patrui magni trinepotis trinepos*. The same line, female, commences with grandfather's sister, *amita magna*, great paternal aunt; and her descendants are similarly described.

The fourth and fifth collateral lines, male, on the father's side, commence, respectively, with great-grandfather's brother, who is styled *patruus major*, greater paternal uncle, and with great-great-grandfather's brother, *patruus maximus*, greatest paternal uncle. In extending the series we have in the fourth *patrui majoris filius*, and on to *patrui majoris trinepos*; and in the fifth *patrui maximi filius*, and on to *patrui maximi trinepos*. The female branches commence, respectively, with *amita major*, greater, and *amita maxima*, greatest paternal aunt; and the description of persons in each follows in the same order.

Thus far the lines have been on the father's side only. The necessity for independent terms for uncle and aunt on the mother's side to complete the Roman method of description is now apparent; the relatives on the mother's side being equally numerous, and entirely distinct. These terms were found in *avunculus*, maternal uncle, and *matertera*, maternal aunt. In describing the relatives on the mother's side, the lineal female line is substituted for the male, but the first collateral line remains the same. In the[Pg 489] second collateral line, male, on the mother's side, we have for the series *avunculus*, maternal uncle, *avunculi filius*, *avunculi nepos*, and on to *avunculi trinepos*, and ending with *avunculi trinepotis trinepos*. In the female branch, *matertera*, maternal aunt, *materteræ filia*, and on as before. The third collateral line, male and female, commence, respectively, with *avunculus magnus*, and *matertera magna*, great maternal uncle, and aunt; the fourth with *avunculus major*, and *matertera major*, greater maternal uncle, and aunt; and the fifth with *avunculus maximus*, and *matertera maxima*, greatest maternal uncle,

and aunt. The descriptions of persons in each line and branch are in form corresponding with those previously given.

Since the first five collateral lines embrace as wide a circle of kindred as it was necessary to include for the practical objects of a code of descents, the ordinary formula of the Roman civilians did not extend beyond this number.

In terms for the marriage relationships, the Latin language is remarkably opulent, whilst our mother English betrays its poverty by the use of such unseemly phrases as father-in-law, son-in-law, brother-in-law, step-father, and step-son, to express some twenty very common, and very near relationships, nearly all of which are provided with special terms in the Latin nomenclature.

It will not be necessary to pursue further the details of the Roman system of consanguinity. The principal and most important of its features have been presented, and in a manner sufficiently special to render the whole intelligible. For simplicity of method, felicity of description, distinctness of arrangement by lines and branches, and beauty of nomenclature, it is incomparable. It stands in its method pre-eminently at the head of all the systems of relationship ever perfected by man, and furnishes one of many illustrations that to whatever the Roman mind had occasion to give organic form, it placed once for all upon a solid foundation.

No reference has been made to the details of the Arabic system; but, as the two forms are given in the Table, the[Pg 490] explanation made of one will suffice for the other, to which it is equally applicable.

With its additional special terms, and its perfected method, consanguinei are assumed to be connected, in virtue of their descent, through married pairs, from common ancestors. They arrange themselves in a lineal and several collateral lines; and the latter are perpetually divergent from the former. These are necessary consequences of monogamy. The relationship of each person to the central *Ego* is accurately defined and, except as to those who stand in an identical relationship, is kept distinct from every other by means of a special term or descriptive phrase. It also implies the certainty of the parentage of every individual, which monogamy alone could assure. Moreover, it describes the relationships in the monogamian family as they actually exist. Nothing can be plainer than that this form of marriage made this form of the family, and that the latter created this system of consanguinity. The three are necessary parts of a whole where the descriptive system is exclusive. What we know by direct observation to be true with respect to the monogamian family, its law of marriage and its system of consanguinity, has been shown to be equally true with respect to the punaluan family, its law of marriage and its system of consanguinity; and not less so of the consanguine family, its form of marriage and its system of consanguinity. Any of these three parts being given, the existence of the other two with it, at some one time, may be deduced with certainty. If any difference could be made in favor of the superior materiality of any one of the three, the preference would belong to systems of consanguinity. They have crystallized the evidence declaring the marriage law and the form of the family in the relationship of every individual person; thus preserving not only the highest evidence of the fact, but as many concurring declarations thereto as there are members united by the bond of consanguinity. It furnishes a test of the high rank of a domestic institution, which must be supposed incapable of design to pervert the truth, and which,[Pg 491] therefore, may be trusted implicitly as to whatever it necessarily teaches. Finally, it is with respect to systems of consanguinity that our information is most complete.

The five successive forms of the family, mentioned at the outset, have now been presented and explained, with such evidence of their existence, and such particulars of their structure as our present knowledge furnishes. Although the treatment of each has been general, it has touched the essential facts and attributes, and established the main proposition, that the family commenced in the consanguine, and grew, through successive stages of development, into the monogamian. There is nothing in this general conclusion which might not have been anticipated from *à priori* considerations; but the difficulties and the hindrances which obstructed its growth are seen to have been far greater than would have been supposed. As a growth with the ages of time, it has shared in all the vicissitudes of human experience, and now reveals more expressively, perhaps, than any other institution, the graduated scale of human progress from the abyss of primitive savagery, through barbarism, to civilization. It brings us near to the daily life of the human family in the different epochs of its progressive development, indicating, in some measure, its hardships, its struggles and also its victories, when different periods are contrasted. We should value the great institution of the family, as it now exists, in some proportion to the expenditure of time and of intelligence in its production; and receive it as the richest legacy transmitted to us by ancient society, because it embodies and records the highest results of its varied and prolonged experience.

When the fact is accepted that the family has passed through four successive forms, and is now in a fifth, the question at once arises whether this form can be permanent in the future. The only answer that can be given is, that it must advance as society advances, and change as society changes, even as it has done in the past. It is the creature of the social system, and will reflect its culture. As the monogamian family has improved greatly since the com[Pg 492]mencement of civilization, and very sensibly in modern times, it is at least supposable that it is

capable of still farther improvement until the equality of the sexes is attained. Should the monogamian family in the distant future fail to answer the requirements of society, assuming the continuous progress of civilization, it is impossible to predict the nature of its successor.

[Pg 493]

[Pg 497]

Roman and Arabic System of Relationship.

Transcriber's Note: Abbreviations: fa=father, mo=mother, GF=Grandfather, GM=Grandmother, GD=Granddaughter, GS=Grandson, bro=Brother, str=sister, gt=great, dau=daughter. End of Transcriber's Note.

Description of Persons.	Relationship in Latin.	Translation	Relationship in Arabic.	Translation	
1	gt-GF's gt-GF	tritavus	gt-GF's gt-GF	jidd jidd jiddi	GF of GF of GF my
	"				"
	"				"
2	"	atavu	GF	jidd jidd abi	"
	GF				"
					fa my
	"				"
3	"	abavus	gt-gt-GF	jidd jiddi	"
	fa				GF my
	"				
4	"	abavia	GM	sitt sitti	GM of GM my
	mo				
5	gt-GF	proavus	gt-GF	jidd abi	GF of fa my
	"				GM
6	GM	proavia	GM	sitt abi	"
					"
					"
7	GF	avus	GF	jidd	GF my
8	GM	avia	GM	sitti	GM
					"
9	fa	pater	fa	abi	fa my
10	mo	mater	mo	ummi	mo
					"
11	son	filius	son	ibni	son
					"
12	dau	filia	dau	ibneti b, binti	dau
					"
13	GS	nepos	GS	ibn ibni	son of son my
14	GD	neptis	GD	ibnet ibni	dau of son my
15	gt-GS	pronepos	gt-GS	ibn ibn ibni	son of son of son my
	"		"		
16	GM	proneptis	GD	bint bint binti	dau of dau of dau my
			"		
17	gt-GS's son	abnepos	gt-GS	ibn ibn ibn ibni	son of son of son of son my
	"		"		
18	"	abneptis	"	bint bint bint binti	dau of dau of dau of dau my
	dau		GD		
	"				
19	"	atnepos	gt-GS's GS	ibn ibn ibn ibn ibni	son of son of son of son of son my
	GS				
	"		"		
20	"	atneptis	"	bint bint bint bint binti	dau of dau of dau of dau of dau my
	GD		GD		
	"		"		
21	"	trinepos	"	ibn ibn ibn ibn ibn ibni	son of son of son of son of son of son my
	gt-GS		gt-GS		
	"		"		
22	"	trinepos	"	ibn ibn ibn ibn ibn ibni	dau of dau of dau of dau of dau of dau my
	"		"		
	GD		GD		
23	bros	fratres	bros	ahwati	bros my
24	strs	sorores	strs	ahwati	strs
					"

25	bro	frater	bro	akhi	bro "	
	(First Collateral Line)					
26	bro's son	fratris filius	son of bro	ibn akhi	son of bro my	
27	" son's wife	fratris filii uxor	wife of son of bro	amrat ibn akhi	wife of son of bro my	
28	" dau	fratris filia	dau of bro	bint akhi	dau of bro my	
29	" dau's husb	fratris filiae vir	husb of dau of bro	zoj bint akhi	husb of dau of bro my	
30	" GS	fratris nepos	GS	of bro	ibn ibn akhi	son my
31	" GD	" neptis	GD	" "	bint ibn akhi	dau my
32	" gt-GS	" pronepos	gt-GS	" "	ibn ibn ibn akhi	son bro m
33	" " GD	fratris proneptis	gt-GD	" "	bint bint bint akhi	dau bro m
34	str	soror	str	akhti	str my	
35	str's son	sororis filius	son of str	ibn akhti	son of str my	
36	" son's wife	sororis filii uxor	wife of son of str	amrât ibn akhti	wife of son of str my	
37	" son's dau	" filia	dau of str	bint akhti	dau of str my	
38	" dau's husb	" filiae vir	husb of dau of str	zoj bint akhti	husb of dau of str my	
39	" GS	" nepos	str's GS	ibn akhti	son of str my	
40	" GD	" neptis	" GD	bint akhti	dau of str my	
41	" gt-GS	" pronepos	" gt-GS	ibn ibn akhti	son of son of str my	
42	" gt-GD	proneptis	" GD	bint bint akhti	dau of dau of str my	
	(Second Collateral Line)					
43	fa's bro	patruus	pat uncle	ammi	pat uncle my	
44	" bro's wife	patrui uxor	wife of	pat uncle	amrât ammi	wif
45	" " son	" filius	son of	" "	ibn ammi	son
46	" " son's wife	" filii uxor	wife of son of	" "	amrâtibn ammi	wif
47	" " dau	" filia	dau of	" "	bint ammi	dau
48	" " dau's husb	" filiae vir	husb of dau of	" "	zôj bint ammi	hus
49	" " GS	" nepos	GS of of	" "	ibn bint ammi	son
50	" " GD	" neptis	GD of	" "	bint bint ammi	dau
51	" " gt-GS	" pronepos	gt-GS of	" "	ibn ibn ibn ammi	son
52	" " gt-GD	" proneptis	gt-GD of	" "	bint bint bint ammi	dau
53	fa's str	amita	pat aunt	ammeti	pat aunt my	

54	" str's husb	amitae vir	husb of	pat aunt	arât ammeti	hus
55	" " son	" filius	son of	" "	ibn ammeti	son
56	" " son's wife	" filii uxor	wife of son of	" "	amrât ibn ammeti	wif
57	" " dau	" filia	dau of	" "	bint ammeti	dau
58	" " dau's husb	" filiae vir	husb of dau of	" "	zôj bint ammeti	hus
59	" " GS	" nepos	GS of	" "	ibn ibn ammeti	GS
60	" " GD	" neptis	GD of	" "	bint bint ammeti	dau
61	" " gt-GS	" pronepos	gt-GS of	" "	ibn ibn ibn ammeti	son
62	" " gt-GD	" proneptis	GD of	" "	bint bint bint ammeti	dau
63	mo's bro	avunculus	mat uncle	khâli	mat uncle my	
64	" bro's wife	avunculi uxor	wife of	mat uncle	amrat khâli	wif
65	" " son	" filius	son of	" "	ibn khâli	son
66	" " son's wife	" filii uxor	wife of son of	" "	amrat ibn khâli	wif
67	" " dau	" filia	dau of	" "	bint khâli	dau
68	" " dau's husb	" filiae vir	husb of dau of	" "	zôj bint khâli	hus
69	" " GS	" nepos	GS of	" "	ibn ibn khâli	son
70	" " GD	" neptis	GD of	" "	bint bint khâli	dau
71	" " gt-GS	" pronepos	gt-GS of	" "	ibn ibn ibn khâli	son
72	" " gt-GD	" proneptis	gt-GD of	" "	bint bint bint khâli	dau
73	mo's str	matertera	mat aunt	khâleti	mat aunt my	
74	" str's husb	materterae vir	husb of	mat aunt	zôj khâleti	hus
75	" " son	" filius	son of	" "	ibn khâleti	son
76	" " son's wife	" filii uxor	wife of son of	" "	amrât ibn khâleti	wif
77	" " dau	" filia	dau of	" "	bint khâleti	dau

78	" " dau's husb	" filiae vir	husb of dau of	" "	zôj bint khâleti	hus
79	" " GS	" nepos	GS of	" "	ibn ibn khâleti	son
80	" " GD	" neptis	GD of	" "	bint bint khâleti	dau
81	" " gt-GS	" pronepos	gt-GS of	" "	ibn ibn ibn khâleti	son
82	" " gt-GD	" proneptis	gt-GD of	" "	bint bint bint khâleti	dau
	(Third Collateral Line).					
83	fa's fa's bro	patruus magnus	gt pat uncle	amm ăbi	pat uncle of fa my	
84	" bro's son	patrui magni filius	son of	gt pat uncle	ibn ammi ăbi	son
85	" " " GS	" " nepos	GS of	" " "	ibn ibn ammi ăbi	son
86	" " " gt-GS	" " pronepos	gt-GS of	" " "	ibn ibn ibn ammi ăbi	son
87	" " str	amita magna	gt pat aunt	ammet ăbi	pat aunt of fa my	
88	" " str's dau	amitae magnae filia	dau of	gt pat aunt	bint ammet ăbi	dau
89	" " " GD	" " neptis	GD of		bint bint ammet ăbi	dau
90	" " " gt-GD	" " proneptis	gt-GD of	" " "	bint bint bint ammet ăbi	dau
91	mo's mo's bro	avunculus magnus	gt mat uncle	khâl ŭmmi	mat uncle of mo my	
92	" " bro's son	avunculi magni filius	son of	gt mat uncle	ibn khâl ŭmmi	son
93	" " " GS	" " nepos	GS of	" " "	ibn ibn khâl ŭmmi	son
94	" " " gt-GS	" " pronepos	gt-GS of	" " "	ibn ibn ibn khâl ŭmmi	son
95	" " str	matertera magna	gt mat aunt	khâlet ŭmmi	mat aunt of mo my	

96	" " str's dau	materterae magnae filia	dau of	gt mat aunt	bint khâlet ŭmmi	dau
97	" " " GD	" " neptis	GD of	" " "	bint bint khâlet ŭmmi	dau
98	" " " gt-GD	" " proneptis	gt-GD of	" " "	bint bint bint khâlet ŭmmi	dau
	(Fourth Collateral Line).					
99	fa's fa's fa's bro	patruus major	pat gt-gt-uncle	amm jiddi	pat uncle of GF my	
100	" " bro's son	patrui majoris filius	son of	pat gt-gt-uncle	ibn amm jiddi	son
101	" " " " GS	nepos	GS of	" " " "	ibn ibn amm jiddi	son
102	" " " " gt-GS	pronepos	gt-GS of	" " " "	ibn ibn ibn amm jiddi	son
103	" " " str	amita major	pat gt-gt aunt	ammet jiddi	pat aunt of GF my	
104	" " " str's dau	amitae majoris filia	dau of	pat gt-gt-aunt	bint ammet jiddi	dau
105	" " " str's GD	" " neptis	GD of	" " " "	bint bint ammet jiddi	dau
106	" " " str's gt-GD	" " proneptis	gt-GD of	" " " "	bint bint bint ammet jiddi	dau
107	mo's mo's mo's bro	avunculus major	mat gt-gt uncle	khâl sitti	mat uncle of GM my	
108	" " bro's son	avunculi majoris filius	son of	mat gt-gt uncle	ibn khâl sitti	son
109	" " " GS	" " nepos	GS of	" " " "	ibn ibn khâl sitti	son
110	" " " gt-GS	" " pronepos	gt-GS of	" " " "	ibn ibn ibn khâl sitti	son
111	" "	matertera major	mat gt-gt aunt	khâlet sitti	mat aunt of GM my	

112	" str " " " str's dau	materterae majoris filia	dau of	mat gt-gt aunt	bint khâlet sitti	dau
113	" " " str's GD	" " neptis	GD of		bint bint khâlet sitti	dau
114	" " " str's gt-GD	" " proneptis	gt-GD of		bint bint bint khâlet sitti	dau
	(Fifth Collateral Line).					
115	fa's fa's fa's fa's bro	patruus maximus	pat gt-gt-uncle	amm jidd ăbi	pat uncle of GF of fa my	
116	" " " " bro's son	patrui maximi filius	son of	pat gt-gt-uncle	ibn amm jidd ăbi	son
117	" " " " GS	" " nepos	GS of	" " " "	ibn ibn amm jidd ăbi	son
118	" " " " gt-GS	" " pronepos	gt-GS of	" " " "	ibn ibn ibn amm jidd ăbi	son
119	" " " " str	amita maxima	pat gt-gt-gt-aunt	ammet jidd ăbi	pat aunt of GF of fa my	
120	" " " " str's dau	amitae maximae filia	dau of	pat gt-gt-gt-aunt	bint ammet jidd ăbi	dau
121	" " " " str's GD	" " neptis	GD of	" " " " "	bint bint ammet jidd ăbi	dau
122	" " " " str's gt-GD	" " proneptis	gt-GD of	" " " " "	bint bint bint ammet jidd ăbi	dau
123	mo's mo's mo's mo's bro	avunculus maximus	mat gt-gt-gt-uncle	khâl sitt ŭmmi	mat uncle of GM of mo my	
124	" "	avunculi maximi filius	son of	mat gt-gt-gt-uncle	ibn khâl sitt ŭmmi	son

	"					
	"					
	bro's son					
	"			"		
	"	"		"		
125	"	"	GS of	"	ibn ibn khâl sitt ŭmmi	son
	"	nepos		"		
	bro's GS			"		
	"			"		
	"	"		"		
126	"	"	gt-GS of	"	ibn ibn ibn khâl sitt ŭmmi	son
	"	pronepos		"		
	bro's gt-GS			"		
	"					
	"					
127	"	matertera maxima	mat gt-gt-gt-aunt	khâlet sitt ŭmmi	mat aunt of GM of mo my	
	"					
	str					
	"					
	"					
128	"	materterae maximae filia	dau of	mat gt-gt-gt-aunt	bint khâlet sitt ŭmmi	dau
	"					
	str's dau					
	"			"		
	"	"		"		
129	"	"	GD of	"	bint bint khâlet sitt ŭmmi	dau
	"	neptis		"		
	str's GD			"		
	"			"		
	"	"		"		
130	"	"	gt-GD	"	bint bint bint khâlet sitt ŭmmi	dau
	"	proneptis		"		
	str's gt-GD			"		
	(Marriage Relationships).					
131	husband	vir b, maritus	husband	zoji	husband my	
132	husband's father	socer	father-in-law	ammi	uncle my	
	"					
133	mother	socrus	mother-in-law	amrât ammi	wife of uncle my	
	"					
134	grandfather	socer magnus	great father-in-law	jidd zoji	grandfather of husband my	
					grandmother	
	"				"	
135	grandmother	socrus magnus	mother-in-law	sitt zoji	"	
					"	
136	wife	uxor b, marita	wife	amrâti	wife	
137	wife's father	socer	father-in-law	ammi	uncle my	
	"					
138	mother	socrus	mother-in-law	amrât ammi	wife of uncle my	
	"					
139	GF	socer magnus	gt father-in-law	jidd amrâti	GF of wife my	
					GM	
	"				"	
140	GM	socrus magnus	gt mo-in-law	sitt amrâti	"	
					"	
141	step-father	vitricus	step-father	ammi	uncle my	
142	"	noverca	"	khâleti	aunt my	

	mother		mother		
143	" son	privignus	" son	karŭti	" son my
144	" daughter	privigna	" daughter	karŭti	" daughter my
145	son-in-law	gener	son-in-law	khatan b, saha	son-in-law
146	daughter-in-law	nurus	daughter-in-law	kinnet	daughter-in-law
147	bro-in-law (*husb's bro'r*)	lever	bro-in-law	ibn ămmi	son of uncle my
148	" " (*str's husb*)	maritus sororis	bro-in-law	zôj akhti	husb of str my
149	" " (*wife's bro*)	uxoris frater	bro of wife	ibn ămmi	son of uncle my
150	str-in-law (*wife's str*)	uxoris soror	str of wife	bint ămmi	dau of uncle my
151	" " (*husb's str*)	gloss	str-in-law	bint ămmi	" " "
152	" " (*bro's wife*)	fratria	str-in-law	amrât akhi	wife of bro my
153	widow	vidua	widow	armelet	widow
154	widower	viduus	widower	armel	widower
155	relations by fa's side	agnati	agnates		
156	relations by mo's side	cognati	cognati		
157	relations by marriage	affines	marriage relations		

CHAPTER VI. - SEQUENCE OF INSTITUTIONS CONNECTED WITH THE FAMILY.

Sequence in part Hypothetical.—Relation of these Institutions in the Order of their Origination.—Evidence of their Origination in the Order named.—Hypothesis of Degradation considered.—The Antiquity of Mankind.

It remains to place in their relations the customs and institutions which have contributed to the growth of the family through successive forms. Their articulation in a sequence is in part hypothetical; but there is an intimate and undoubted connection between them.

This sequence embodies the principal social and domestic institutions which have influenced the growth of the family from the consanguine to the monogamian.[494] They are to be understood as originating in the several branches of the human family substantially in the order named, and as existing generally in these branches while in the corresponding status.

First Stage of Sequence.	
I.	*Promiscuous Intercourse.*
II.	*Intermarriage of Brothers and Sisters, own and collateral, in a Group: Giving,—*
III.	*The Consanguine Family. (First Stage of the Family): Giving,—*
IV.	[Pg 499]*The Malayan System of Consanguinity and Affinity.*
Second Stage of Sequence.	
V.	*The Organization upon the basis of Sex, and the Punaluan Custom, tending to check the intermarriage of brothers and sisters: Giving,—*
VI.	*The Punaluan Family. (Second Stage of the Family): Giving,—*
VII.	*The Organization into Gentes, which excluded brothers and sisters from the marriage relation: Giving,—*
VIII.	*The Turanian and Ganowánian System of Consanguinity and Affinity.*
Third Stage of Sequence.	

IX.	*Increasing Influence of Gentile Organisation and improvement in the arts of life, advancing a portion of mankind into the Lower Status of barbarism: Giving,—*
X.	*Marriage between Single Pairs, but without an exclusive cohabitation: Giving,—*
XI.	*The Syndyasmian Family. (Third Stage of the Family.)*
Fourth Stage of Sequence.	
XII.	*Pastoral life on the plains in limited areas: Giving,—*
XIII.	*The Patriarchal Family. (Fourth, but exceptional Stage of the Family.)*
Fifth Stage of Sequence.	
XIV.	*Rise of Property, and settlement of lineal succession to estates: Giving,—*
XV.	*The Monogamian Family. (Fifth Stage of the Family): Giving—*
XVI.	*The Aryan, Semitic and Uralian system of Consanguinity and Affinity; and causing the overthrow of the Turanian.*

A few observations upon the foregoing sequence of customs and institutions, for the purpose of tracing their connection and relations, will close this discussion of the growth of the family.

Like the successive geological formations, the tribes of[Pg 500] mankind may be arranged, according to their relative conditions, into successive strata. When thus arranged, they reveal with some degree of certainty the entire range of human progress from savagery to civilization. A thorough study of each successive stratum will develop whatever is special in its culture and characteristics, and yield a definite conception of the whole, in their differences and in their relations. When this has been accomplished, the successive stages of human progress will be definitely understood. Time has been an important factor in the formation of these strata; and it must be measured out to each ethnical period in no stinted measure. Each period anterior to civilization necessarily represents many thousands of years.

Promiscuous Intercourse.—This expresses the lowest conceivable stage of savagery—it represents the bottom of the scale. Man in this condition could scarcely be distinguished from the mute animals by whom he was

surrounded. Ignorant of marriage, and living probably in a horde, he was not only a savage, but possessed a feeble intellect and a feebler moral sense. His hope of elevation rested in the vigor of his passions, for he seems always to have been courageous; in the possession of hands physically liberated, and in the improvable character of his nascent mental and moral powers. In corroboration of this view, the lessening volume of the skull and its increasing animal characteristics, as we recede from civilized to savage man, deliver some testimony concerning the necessary inferiority of primitive man. Were it possible to reach this earliest representative of the species, we must descend very far below the lowest savage now living upon the earth. The ruder flint implements found over parts of the earth's surface, and not used by existing savages, attest the extreme rudeness of his condition after he had emerged from his primitive habitat, and commenced, as a fisherman, his spread over continental areas. It is with respect to this primitive savage, and with respect to him alone, that promiscuity may be inferred.

It will be asked whether any evidence exists of this ante[Pg 501]cedent condition. As an answer, it may be remarked that the consanguine family and the Malayan system of consanguinity presuppose antecedent promiscuity. It was limited, not unlikely, to the period when mankind were frugivorous and within their primitive habitat, since its continuance would have been improbable after they became fishermen and commenced their spread over the earth in dependence upon food artificially acquired. Consanguine groups would then form, with intermarriage in the group as a necessity, resulting in the formation of consanguine families. At all events, the oldest form of society which meets us in the past through deduction from systems of consanguinity is this family. It would be in the nature of a compact on the part of several males for the joint subsistence of the group, and for the defense of their common wives against the violence of society. In the second place, the consanguine family is stamped with the marks of this supposed antecedent state. It recognized promiscuity within defined limits, and those not the narrowest, and it points through its organism to a worse condition against which it interposed a shield. Between the consanguine family and the horde living in promiscuity, the step, though a long one, does not require an intermediate condition. If such existed, no known trace of it remains. The solution of this question, however, is not

material. It is sufficient, for the present at least, to have gained the definite starting-point far down in savagery marked out by the consanguine family, which carries back our knowledge of the early condition of mankind well toward the primitive period.

There were tribes of savages and even of barbarians known to the Greeks and Romans who are represented as living in promiscuity. Among them were the Auseans of North Africa, mentioned by Herodotus,[495] the Garamantes of Æthiopia, mentioned by Pliny,[496] and the Celts of Ireland, [Pg 502] mentioned by Strabo.[497] The latter repeats a similar statement concerning the Arabs.[498] It is not probable that any people within the time of recorded human observation have lived in a state of promiscuous intercourse like the gregarious animals. The perpetuation of such a people from the infancy of mankind would evidently have been impossible. The cases cited, and many others that might be added, are better explained as arising under the punaluan family, which, to the foreign observer, with limited means of observation, would afford the external indications named by these authors. Promiscuity may be deduced theoretically as a necessary condition antecedent to the consanguine family; but it lies concealed in the misty antiquity of mankind beyond the reach of positive knowledge.

II. *Intermarriage of Brothers and Sisters, own and collateral, in a Group.*—In this form of marriage the family had its birth. It is the root of the institution. The Malayan system of consanguinity affords conclusive evidence of its ancient prevalence. With the ancient existence of the consanguine family established, the remaining forms can be explained as successive derivations from each other. This form of marriage gives (III.) the consanguine family and (IV.) the Malayan system of consanguinity, which disposes of the third and fourth members of the sequence. This family belongs to the Lower Status of savagery.

V. The *Punaluan Custom*.—In the Australian male and female classes united in marriage, punaluan groups are found. Among the Hawaiians, the same group is also found, with the marriage custom it expresses. It has prevailed among the remote ancestors of all the tribes of mankind who now possess or have possessed the Turanian system of consanguinity, because they must have derived it from punaluan ancestors. There is seemingly no other explanation of the origin of this system. Attention has been called to the fact that the punaluan family included the same persons found[Pg 503]

in the previous consanguine, with the exception of own brothers and sisters, who were theoretically if not in every case excluded. It is a fair inference that the punaluan custom worked its way into general adoption through a discovery of its beneficial influence. Out of punaluan marriage came (VI.) the punaluan family, which disposes of the sixth member of the sequence. This family originated, probably, in the Middle Status of savagery.

VII. *The Organization into Gentes.*—The position of this institution in the sequence is the only question here to be considered. Among the Australian classes, the punaluan group is found on a broad and systematic scale. The people are also organized in gentes. Here the punaluan family is older than the gens, because it rested upon the classes which preceded the gentes. The Australians also have the Turanian system of consanguinity, for which the classes laid the foundation by excluding own brothers and sisters from the punaluan group united in marriage. They were born members of classes who could not intermarry. Among the Hawaiians, the punaluan family was unable to create the Turanian system of consanguinity. Own brothers and sisters were frequently involved in the punaluan group, which the custom did not prevent, although it tended to do so. This system requires both the punaluan family and the gentile organization to bring it into existence. It follows that the latter came in after and upon the former. In its relative order it belongs to the Middle Status of savagery.

VIII. and IX. These have been sufficiently considered.

X. and XI. *Marriage between Single Pairs, and the Syndyasmian Family.*—After mankind had advanced out of savagery and entered the Lower Status of barbarism, their condition was immensely improved. More than half the battle for civilization was won. A tendency to reduce the groups of married persons to smaller proportions must have begun to manifest itself before the close of savagery, because the syndyasmian family became a constant phenomenon in the Lower Status of barbarism. The custom which led the more advanced savage to recognize one among a number of[Pg 504] wives as his principal wife, ripened in time into the practice of pairing, and in making this wife a companion and associate in the maintenance of a family. With the growth of the propensity to pair came an increased certainty of the paternity of children. But the husband could put away his wife, and the wife could leave her husband, and each seek a new mate at pleasure. Moreover, the man did not recognize, on his part, the obligations of the marriage tie,

and therefore had no right to expect its recognition by his wife. The old conjugal system, now reduced to narrower limits by the gradual disappearance of the punaluan groups, still environed the advancing family, which it was to follow to the verge of civilization. Its reduction to zero was a condition precedent to the introduction of monogamy. It finally disappeared in the new form of hetærism, which still follows mankind in civilization as a dark shadow upon the family. The contrast between the punaluan and syndyasmian families was greater than between the latter and the monogamian. It was subsequent in time to the gens, which was largely instrumental in its production. That it was a transitional stage of the family between the two is made evident by its inability to change materially the Turanian system of consanguinity, which monogamy alone was able to overthrow. From the Columbia River to the Paraguay, the Indian family was syndyasmian in general, punaluan in exceptional areas, and monogamian perhaps in none.

XII. and XIII. *Pastoral Life and the Patriarchal Family.*—It has been remarked elsewhere that polygamy was not the essential feature of this family, which represented a movement of society to assert the individuality of persons. Among the Semitic tribes, it was an organization of servants and slaves under a patriarch for the care of flocks and herds, for the cultivation of lands, and for mutual protection and subsistence. Polygamy was incidental. With a single male head and an exclusive cohabitation, this family was an advance upon the syndyasmian, and therefore not a retrograde movement. Its influence upon the human race was limited; but it carries with it a confession of a state of[Pg 505] society in the previous period against which it was designed to form a barrier.

XIV. *Rise of Property and the establishment of lineal succession to Estates.*—Independently of the movement which culminated in the patriarchal family of the Hebrew and Latin types, property, as it increased in variety and amount, exercised a steady and constantly augmenting influence in the direction of monogamy. It is impossible to overestimate the influence of property in the civilization of mankind. It was the power that brought the Aryan and Semitic nations out of barbarism into civilization. The growth of the idea of property in the human mind commenced in feebleness and ended in becoming its master passion. Governments and laws are instituted with primary reference to its creation, protection and enjoyment. It

introduced human slavery as an instrument in its production; and, after the experience of several thousand years, it caused the abolition of slavery upon the discovery that a freeman was a better property-making machine. The cruelty inherent in the heart of man, which civilization and Christianity have softened without eradicating, still betrays the savage origin of mankind, and in no way more pointedly than in the practice of human slavery, through all the centuries of recorded history. With the establishment of the inheritance of property in the children of its owner, came the first possibility of a strict monogamian family. Gradually, though slowly, this form of marriage, with an exclusive cohabitation, became the rule rather than the exception; but it was not until civilization had commenced that it became permanently established.

XV. *The Monogamian Family.*—As finally constituted, this family assured the paternity of children, substituted the individual ownership of real as well as personal property for joint ownership, and an exclusive inheritance by children in the place of agnatic inheritance. Modern society reposes upon the monogamian family. The whole previous experience and progress of mankind culminated and crystallized in this pre-eminent institution. It was a slow growth,[Pg 506] planting its roots far back in the period of savagery—a final result toward which the experience of the ages steadily tended. Although essentially modern, it was the product of a vast and varied experience.

XVI. The Aryan, Semitic and Uralian systems of consanguinity, which are essentially identical, were created by the monogamian family. Its relationships are those which actually existed under this form of marriage and of the family. A system of consanguinity is not an arbitrary enactment, but a natural growth. It expresses, and must of necessity express, the actual facts of consanguinity as they appeared to the common mind when the system was formed. As the Aryan system establishes the antecedent existence of a monogamian family, so the Turanian establishes the antecedent existence of a punaluan family, and the Malayan the antecedent existence of a consanguine family. The evidence they contain must be regarded as conclusive, because of its convincing character in each case. With the existence established of three kinds of marriage, of three forms of the family, and of three systems of consanguinity, nine of the sixteen members of the sequence are sustained. The existence and relations of the remainder are warranted by sufficient proof.

The views herein presented contravene, as I am aware, an assumption which has for centuries been generally accepted. It is the hypothesis of human degradation to explain the existence of barbarians and of savages, who were found, physically and mentally, too far below the conceived standard of a supposed original man. It was never a scientific proposition supported by facts. It is refuted by the connected series of inventions and discoveries, by the progressive development of the social system, and by the successive forms of the family. The Aryan and Semitic peoples descended from barbarous ancestors. The question then meets us, how could these barbarians have attained to the Upper Status of barbarism, in which they first appear, without previously passing through the experience and acquiring the arts and development of the Middle Status; and, further than this, how could they have attained to the[Pg 507] Middle Status without first passing through the experience of the Lower. Back of these is the further question, how a barbarian could exist without a previous savage. This hypothesis of degradation leads to another necessity, namely; that of regarding all the races of mankind without the Aryan and Semitic connections as abnormal races—races fallen away by degeneracy from their normal state. The Aryan and Semitic nations, it is true, represent the main streams of human progress, because they have carried it to the highest point yet attained; but there are good reasons for supposing that before they became differentiated into Aryan and Semitic tribes, they formed a part of the indistinguishable mass of barbarians. As these tribes themselves sprang remotely from barbarous, and still more remotely from savage ancestors, the distinction of *normal* and *abnormal* races falls to the ground.

This sequence, moreover, contravenes some of the conclusions of that body of eminent scholars who, in their speculations upon the origin of society, have adopted the patriarchal family of the Hebrew and Latin types as the oldest form of the family, and as producing the earliest organized society. The human race is thus invested from its infancy with a knowledge of the family under paternal power. Among the latest, and holding foremost rank among them, is Sir Henry Maine, whose brilliant researches in the sources of ancient law, and in the early history of institutions, have advanced so largely our knowledge of them. The patriarchal family, it is true, is the oldest made known to us by ascending along the lines of classical and Semitic authorities; but an investigation along these lines is unable to penetrate beyond the Upper Status of barbarism, leaving at least four entire

ethnical periods untouched, and their connection unrecognized. It must be admitted, however, that the facts with respect to the early condition of mankind have been but recently produced, and that judicious investigators are justly careful about surrendering old doctrines for new.

Unfortunately for the hypothesis of degradation, inventions and discoveries would come one by one; the knowledge[Pg 508] of a cord must precede the bow and arrow, as the knowledge of gunpowder preceded the musket, and that of the steam-engine preceded the railway and the steamship; so the arts of subsistence followed each other at long intervals of time, and human tools passed through forms of flint and stone before they were formed of iron. In like manner institutions of government are a growth from primitive germs of thought. Growth, development and transmission, must explain their existence among civilized nations. Not less clearly was the monogamian family derived, by experience, through the syndyasmian from the punaluan, and the still more ancient consanguine family. If, finally, we are obliged to surrender the antiquity of the monogamian family, we gain a knowledge of its derivation, which is of more importance, because it reveals the price at which it was obtained.

The antiquity of mankind upon the earth is now established by a body of evidence sufficient to convince unprejudiced minds. The existence of the race goes back definitely to the glacial period in Europe, and even back of it into the anterior period. We are now compelled to recognize the prolonged and unmeasured ages of man’s existence. The human mind is naturally and justly curious to know something of the life of man during the last hundred thousand or more years, now that we are assured his days have been so long upon the earth. All this time could not have been spent in vain. His great and marvelous achievements prove the contrary, as well as imply the expenditure of long protracted ethnical periods. The fact that civilization was so recent suggests the difficulties in the way of human progress, and affords some intimation of the lowness of the level from which mankind started on their career.

The foregoing sequence may require modification, and perhaps essential change in some of its members; but it affords both a rational and a satisfactory explanation of the facts of human experience, so far as they are known, and of the course of human progress, in developing the ideas of the family and of government in the tribes of mankind.

NOTE. - MR. J. F. McLENNAN'S "PRIMITIVE MARRIAGE."

As these pages are passing through the press, I have obtained an enlarged edition of the above-named work. It is a reprint of the original, with several Essays appended; and is now styled "Studies in Ancient History Comprising a Reprint of Primitive Marriage."

In one of these Essays, entitled "The Classificatory System of Relationships," Mr. McLennan devotes one section (41 pages) to an attempted refutation of my explanation of the origin of the classificatory system; and another (36 pages) to an explanation of his own of the origin of the same system. The hypothesis first referred to is contained in my work on the "Systems of Consanguinity and Affinity of the Human Family" (pp. 479-486). The facts and their explanation are the same, substantially, as those presented in preceding chapters of this volume (Chaps. II. and III., Part III.). "Primitive Marriage" was first published in 1865, and "Systems of Consanguinity," etc., in 1871.

Having collected the facts which established the existence of the classificatory system of consanguinity, I ventured to submit, with the Tables, an hypothesis explanatory of its origin. That hypotheses are useful, and often indispensable to the attainment of truth, will not be questioned. The validity of the solution presented in that work, and repeated in this, will depend upon its sufficiency in explaining all the facts of the case. Until it is superseded by one better entitled to acceptance on this ground, its position in my work is legitimate, and in accordance with the method of scientific inquiry.

Mr. McLennan has criticised this hypothesis with great freedom. His conclusion is stated generally as follows (Studies, etc., p. 371): "The space I have devoted to the consideration of the solution may seem disproportioned to its importance; but issuing from the press of the Smithsonian Institution, and its preparation having been aided by the United States Government, Mr. Morgan's work has been very generally quoted as a work of authority, and it seemed worth while to take the trouble necessary to show its utterly unscientific character." Not the hypothesis alone, but the entire work is covered by the charge.

That work contains 187 pages of "Tables of Consanguinity and Affinity," exhibiting the systems of 139 tribes and nations of mankind representing four-fifths, numerically, of the entire human family. It is singular that the

bare facts of consanguinity and affinity expressed by terms of relationship, even[Pg 510] when placed in tabular form, should possess an "utterly unscientific character." The body of the work is taken up with the dry details of these several systems. There remains a final chapter, consisting of 43 out of 590 pages, devoted to a comparison of these several systems of consanguinity, in which this solution or hypothesis appears. It was the first discussion of a large mass of new material, and had Mr. McLennan's charge been limited to this chapter, there would have been little need of a discussion here. But he has directed his main attack against the Tables; denying that the systems they exhibit are systems of consanguinity and affinity, thus going to the bottom of the subject.499

Mr. McLennan's position finds an explanation in the fact, that *as systems of consanguinity and affinity* they antagonize and refute the principal opinions and the principal theories propounded in "Primitive Marriage." The author of "Primitive Marriage" would be expected to stand by his preconceived opinions.

As systems of consanguinity, for example: (1.) They show that Mr. McLennan's new terms, "Exogamy and Endogamy" are of questionable utility—that as used in "Primitive Marriage," their positions are reversed, and that "endogamy" has very little application to the facts treated in that work, while "exogamy" is simply a rule of a gens, and should be stated as such. (2.) They refute Mr. McLennan's phrase, "kinship through females only," by showing that kinship through males was recognized as constantly as kinship through females by the same people. (3.) They show that the Nair and Tibetan polyandry could never have been general in the tribes of mankind. (4.) They deny both the necessity and the extent of "wife stealing" as propounded in "Primitive Marriage."

An examination of the grounds, upon which Mr. McLennan's charge is made, will show not only the failure of his criticisms, but the insufficiency of the theories on which these criticisms are based. Such an examination leads to results disastrous to his entire work, as will be made evident by the discussion of the following propositions, namely:

I. *That the principal terms and theories employed in "Primitive Marriage" have no value in Ethnology.*

II. *That Mr. McLennan's hypothesis to account for the origin of the classificatory system of relationship does not account for its origin.*

III. *That Mr. McLennan's objections to the hypothesis presented in "Systems of Consanguinity," etc., are of no force.*

These propositions will be considered in the order named.

I. *That the principal terms and theories employed in "Primitive Marriage" have no value in Ethnology.*

When this work appeared it was received with favor by ethnologists, because as a speculative treatise it touched a number of questions upon which they had long been working. A careful reading, however, disclosed deficiencies in definitions, unwarranted assumptions, crude speculations and erroneous conclusions. Mr. Herbert Spencer in his "Principles of Sociology" (Advance Sheets,

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Popular Science Monthly, Jan., 1877, p. 272), has pointed out a number of them. At the same time he rejects the larger part of Mr. McLennan's theories respecting "Female Infanticide," "Wife Stealing," and "Exogamy and Endogamy." What he leaves of this work, beyond its collocation of certain ethnological facts, it is difficult to find.

It will be sufficient under this head to consider three points.

I. *Mr. McLennan's use of the terms "Exogamy" and "Endogamy."*

"Exogamy" and "endogamy"—terms of his own coinage—imply, respectively, an obligation to "marry out," and an obligation to "marry in," a particular group of persons.

These terms are applied so loosely and so imprecisely by Mr. McLennan to the organized groups made known to him by the authors he cites, that both his terms and his conclusions are of little value. It is a fundamental difficulty with "Primitive Marriage" that the *gens* and the *tribe*, or the groups they represent, are not distinguished from each other as members of an organic series, so that it might be known of which group "exogamy" or "endogamy" is asserted. One of eight gentes of a tribe, for example, may be "exogamous" with respect to itself, and "endogamous" with respect to the seven remaining gentes. Moreover, these terms, in such a case, if correctly applied, are misleading. Mr. McLennan *seems* to be presenting *two great principles*, representing distinct conditions of society which have influenced human affairs. In point of fact, while "endogamy" has very little application to conditions of society treated in "Primitive Marriage," "exogamy" has reference to a rule or law of a gens—*an institution*—and as such the unit of organization of a social system. It is the gens that has influenced human

affairs, and which is the primary fact. We are at once concerned to know its functions and attributes, with the rights, privileges and obligations of its members. Of these material circumstances Mr. McLennan makes no account, nor does he seem to have had the slightest conception of the gens as a governing institution of ancient society. Two of its rules are the following: (1.) *Intermarriage in the gens is prohibited.* This is Mr. McLennan's "exogamy"—restricted as it always is to a gens, but stated by him without any reference to a gens. (2.) In the archaic form of the gens *descent is limited to the female line*, which is Mr. McLennan's "kinship through females only," and which is also stated by him without any reference to a gens.

Let us follow this matter further. Seven definitions of *tribal system*, and of *tribe* are given (*Studies*, *etc.*, 113-115).

"Exogamy Pure.—I. Tribal (or family) system.—*Tribes separate.* All the members of each tribe of the same blood, or feigning themselves to be so. Marriage prohibited between the members of the tribe.

"2. Tribal system.—*Tribe a congeries of family groups*, falling into *divisions*, *clans*, *thums*, etc. No connubium between members of same division: connubium between all the divisions.

"3. Tribal system.—*Tribe a congeries of family groups.* * * * No connubium between persons whose family name points them out as being of the same stock.

"4. Tribal system.—*Tribe in divisions.* No connubium between members[Pg 512] of the same divisions: connubium between some of the divisions; only partial connubium between others. * * *

"5. Tribal system.—*Tribe in divisions.* No connubium between persons of the same stock: connubium between each division and some other. No connubium between some of the divisions. Caste.

"Endogamy Pure. 6. Tribal (or family) system.—*Tribes separate.* All the members of each tribe of the same blood, or feigning themselves to be so. Connubium between members of the tribe: marriage without the tribe forbidden and punished.

"7. Tribal system indistinct." * * * The italics are mine. Seven definitions of the tribal system ought to define the group called a tribe, with sufficient distinctness to be recognized.

The first definition, however, is a puzzle. There are several tribes in a tribal system, but no term for the aggregate of tribes. They are not supposed

to form a united body. How the separate tribes fall into a tribal system or are held together does not appear. All the members of each tribe are of the same blood, or pretend to be, and therefore cannot intermarry. This might answer for a description of a *gens*; but the gens is never found alone, separate from other gentes. There are several gentes intermingled by marriage in every tribe composed of gentes. But Mr. McLennan could not have used tribe here as equivalent to gens, nor as a congeries of family groups. As separate bodies of consanguinei held together in a tribal system, the bodies undefined and the system unexplained, we are offered something altogether new. Definition 6 is much the same. It is not probable that a tribe answering to either of these definitions ever existed in any part of the earth; for it is neither a gens, nor a tribe composed of gentes, nor a nation formed by the coalescence of tribes.

Definitions 2d, 3d, 4th, and 5th are somewhat more intelligible. They show in each case a tribe composed of gentes, or divisions based upon kin. But it is a gentile rather than a tribal system. As marriage is allowed between the clans, thums, or divisions of the same tribe, "exogamy" cannot be asserted of the tribe in either case. The clan, thum, or division is "exogamous," with respect to itself, but "endogamous" with respect to the other clans, thums, or divisions. Particular restrictions are stated to exist in some instances.

When Mr. McLennan applies the terms "exogamy" or "endogamy" to a tribe, how is it to be known whether it is one of several separate tribes in a tribal system, whatever this may mean, or a tribe defined as a congeries of family groups? On the next page (116) he remarks: "The separate endogamous tribes are nearly as numerous, and they are in some respects as rude, as the separate exogamous tribes." If he uses tribe as a congeries of family groups, which is a tribe composed of gentes, then "exogamy" cannot be asserted of the tribe. There is not the slightest probability that "exogamy" ever existed in a tribe composed of gentes in any part of the earth. Wherever the gentile organization has been found intermarriage in the gens is forbidden. It gives what Mr. McLennan calls "exogamy." But, as an equally general rule, intermarriage between the members of a gens and the members of all the other gentes of the same tribe is permitted. The gens is "exogamous," and the tribe is essentially "endogamous." In these cases, if in no others, it was material to know the[Pg 513] group covered by the word tribe. Take another illustration (p. 42): "If it can be shown, firstly, that

exogamous tribes exist, or have existed; and, secondly, that in ruder times the relations of separate tribes were uniformly, or almost uniformly, hostile, we have found a set of circumstances in which men could get wives only by capturing them." Here we find the initial point of Mr. McLennan's theory of wife stealing. To make the "set of circumstances" (namely, hostile and therefore independent tribes), tribe as used here must refer to the larger group, a tribe composed of gentes. For the members of the several gentes of a tribe are intermingled by marriage in every family throughout the area occupied by the tribe. All the gentes must be hostile or none. If the term is applied to the smaller group, the gens, then the gens is "exogamous," and the tribe, in the given case, is seven-eighths "endogamous," and what becomes of the "set of circumstances" necessitating wife stealing?

The principal cases cited in "Primitive Marriage" to prove "exogamy" are the Khonds, Kalmucks, Circassians, Yurak Samoyeds, certain tribes of India and Australia, and certain Indian tribes of America, the Iroquois among the number (pp. 75-100). The American tribes are generally composed of gentes. A man cannot marry a woman of the same gens with himself; but he may marry a woman of any other gens of his own tribe. For example, a man of the Wolf gens of the Seneca tribe of the Iroquois is prohibited from marrying a woman of the same gens, not only in the Seneca tribe, but also in either of the five remaining Iroquois tribes. Here we have Mr. McLennan's "exogamy," but restricted, as it always is, to the gens of the individual. But a man may marry a woman in either of the seven remaining Seneca gentes. Here we have "endogamy" in the tribe, practiced by the members of each gens in the seven remaining Seneca gentes. Both practices exist side by side at the same time, in the same tribe, and have so existed from time immemorial. The same fact is true of the American Indian tribes in general. They are cited, nevertheless, by Mr. McLennan, as examples of "*exogamous tribes*"; and thus enter into the basis of his theories.

With respect to "endogamy," Mr. McLennan would probably refrain from using it in the above case: firstly, because "exogamy" and "endogamy" fail here to represent two opposite principles as they exist in his imagination; and, secondly, because there is, in reality, but one fact to be indicated, namely, that *intermarriage in the gens is prohibited*. American Indians generally can marry in their own or in a foreign tribe as they please, but not in their gens. Mr. McLennan was able to cite one fair case of "endogamy,"

that of the Mantchu Tartars (p. 116), "who prohibited marriage between persons whose family names are different." A few other similar cases have been found among existing tribes.

If the organizations, for example, of the Yurak Samoyeds of Siberia (82), the Magars of Nepaul (83), the Munnieporees, Koupooees, Mows, Muram and Murring tribes of India (87), were examined upon the original evidence, it is highly probable that they would be found exactly analogous to the Iroquois tribes; the "divisions" and "thums" being gentes. Latham, speaking of the Yurak or Kasovo group of the Samoyeds, quotes from Klaproth, as follows: "This division of the kinsmanship is so rigidly observed that no Samoyed takes[Pg 514] a wife from the kinsmanship to which he himself belongs. On the contrary, he seeks her in one of the other two."500 The same author, speaking of the Magars, remarks: "There are twelve thums. All individuals belonging to the same thum are supposed to be descended from the same male ancestor; descent from the same great mother being by no means necessary. So husband and wife must belong to different thums. With one and the same there is no marriage. Do you wish for a wife? If so, look to the thum of your neighbor; at any rate look beyond your own. This is the first time I have had occasion to mention this practice. It will not be the last: on the contrary, the principle it suggests is so common as to be almost universal."501 The Murring and other tribes of India are in divisions, with the same rule in respect to marriage. In these cases it is probable that we have tribes composed of gentes, with intermarriage in the gens prohibited. Each gens is "exogamous" with respect to itself, and "endogamous" with respect to the remaining gentes of the tribe. They are cited by Mr. McLennan, nevertheless, *as examples of "exogamous" tribes*. The principal Australian tribes are known to be organized in gentes, with intermarriage in the gens prohibited. Here again the gens is "exogamous" and the tribe "endogamous."

Where the gens is "exogamous" with respect to itself, and "endogamous" with respect to the remaining gentes of the same tribe, of what use is this pair of terms to mark what is but a single fact—the prohibition of intermarriage in the gens? "Exogamy" and "endogamy" are of no value as a pair of terms, pretending as they do to represent or express opposite conditions of society. They have no application in American ethnology, and probably none in Asiatic or European. "Exogamy," standing alone and

applied to the small group (the gens), of which only it can be asserted, might be tolerated. There are no "exogamous" tribes in America, but a plenty of "exogamous" gentes: and when the gens is found, we are concerned with its rules, and these should always be stated as rules of a gens. Mr. McLennan found the clan, thum, division, "exogamous," and the aggregate of clans, thums, divisions, "endogamous"; but he says nothing about the "endogamy." Neither does he say the clan, division, or thum is "exogamous," but that the tribe is "exogamous." We might suppose he intended to use tribe as equivalent to clan, thum, and division; but we are met with the difficulty that he defines a "tribe [as] a congeries of family groups, falling into divisions, clans, thums, etc." (114), and immediately (116) he remarks that "the separate endogamous tribes are nearly as numerous, and they are in some respects as rude, as the separate exogamous tribes." If we take his principal definitions, it can be said without fear of contradiction that Mr. McLennan has not produced a single case of an "exogamous" tribe in his volume.

There is another objection to this pair of terms. They are set over against each other to indicate opposite and dissimilar conditions of society. Which of the two is the ruder, and which the more advanced? Abundant cautions are here thrown out by Mr. McLennan. "They may represent a progression from exogamy to endogamy, or from endogamy to exogamy" (115); "they may[Pg 515] be equally archaic" (116); and "they are in some respects" equally rude (116); but before the discussion ends, "endogamy" rises to the superior position, and stands over toward civilization, while "exogamy" falls back in the direction of savagery. It became convenient in Mr. McLennan's speculations for "exogamy" to introduce heterogeneity, which "endogamy" is employed to expel, and bring in homogeneity; so that "endogamy" finally gets the better of "exogamy" as an influence for progress.

One of Mr. McLennan's mistakes was his reversal of the positions of these terms. What he calls "endogamy" precedes "exogamy" in the order of human progress, and belongs to the lowest condition of mankind. Ascending to the time when the Malayan system of consanguinity was formed, and which preceded the gens, we find consanguine groups in the marriage relation. The system of consanguinity indicates both the fact and the character of the groups, and exhibits "endogamy" in its pristine force. Advancing from this state of things, the first check upon "endogamy" is

found in the punaluan group, which sought to exclude own brothers and sisters from the marriage relation, while it retained in that relation first, second, and more remote cousins, still under the name of brothers and sisters. The same thing precisely is found in the Australian organization upon sex. Next in the order of time the gens appeared, with descent in the female line, and with intermarriage in the gens prohibited. It brought in Mr. McLennan's "exogamy." From this time forward "endogamy" may be dismissed as an influence upon human affairs.

According to Mr. McLennan, "exogamy" fell into decay in advancing communities; and when descent was changed to the male line it disappeared in the Grecian and Roman tribes (p. 220). So far from this being the case, what he calls "exogamy" commenced in savagery with the gens, continued through barbarism, and remained into civilization. It existed as completely in the gentes of the Greeks and Romans in the time of Solon and of Servius Tullius as it now exists in the gentes of the Iroquois. "Exogamy" and "endogamy" have been so thoroughly tainted by the manner of their use in "Primitive Marriage," that the best disposition which can now be made of them is to lay them aside.

2. *Mr. McLennan's phrase: "the system of kinship through females only."*

"Primitive Marriage" is deeply colored with this phrase. It asserts that this kinship, where it prevailed, was the only kinship recognized; and thus has an error written on its face. The Turanian, Ganowánian and Malayan systems of consanguinity show plainly and conclusively that kinship through males was recognized as constantly as kinship through females. A man had brothers and sisters, grandfathers and grandmothers, grandsons and granddaughters, traced through males as well as through females. The maternity of children was ascertainable with certainty, while their paternity was not; but they did not reject kinship through males because of uncertainty, but gave the benefit of the doubt to a number of persons—probable fathers being placed in the category of real fathers, probable brothers in that of real brothers, and probable sons in that of real sons.

After the gens appeared, kinship through females had an increased importance, because it now signified *gentile kin*, as distinguished from *non-gentile kin*. This was the kinship, in a majority of cases, made known to Mr. McLennan by the[Pg 516] authors he cites. The children of the female members of the gens remained within it, while the children of its male members were excluded. Every member of the gens traced his or her

descent through females exclusively when descent was in the female line, and through males exclusively when descent was in the male line. Its members were an organized body of consanguinei bearing a common gentile name. They were bound together by affinities of blood, and by the further bond of mutual rights, privileges, and obligations. *Gentile kin* became, in both cases, superior to *other kin*; not because no other kin was recognized, but because it conferred the rights and privileges of a gens. Mr. McLennan's failure to discover this difference indicates an insufficient investigation of the subject he was treating. With descent in the female line, a man had grandfathers and grandmothers, mothers, brothers and sisters, uncles, nephews and nieces, and grandsons and granddaughters in his gens; some own and some collateral; while he had the same out of his gens with the exception of uncles; and in addition, fathers, aunts, sons and daughters, and cousins. A woman had the same relatives in the gens as a man, and sons and daughters in addition, while she had the same relatives out of the gens as a man. Whether in or out of the gens, a brother was recognized as a brother, a father as a father, a son as a son, and the same term was applied in either case without discrimination between them. Descent in the female line, which is all that "kinship through females only" can possibly indicate, is thus seen to be a rule of a gens, and nothing more. It ought to be stated as such, because the gens is the primary fact, and gentile kinship is one of its attributes.

Prior to the gentile organization, kinship through females was undoubtedly superior to kinship through males, and was doubtless the principal basis upon which the lower tribal groups were organized. But the body of facts treated in "Primitive Marriage" have little or no relation to that condition of mankind which existed prior to the gentile system.

3. *There is no evidence of the general prevalence of the Nair and Tibetan polyandry.*

These forms of polyandry are used in Mr. McLennan's speculations as though universal in practice. He employs them in his attempted explanation of the origin of the classificatory system of relationship. The Nair polyandry is where several unrelated persons have one wife in common (p. 146). It is called the rudest form. The Tibetan polyandry is where several brothers have one wife in common. He then makes a rapid flight through the tribes of mankind to show the general prevalence of one or the other of these forms of polyandry, and fails entirely to show their prevalence. It does not

seem to have occurred to Mr. McLennan that these forms of polyandry are exceptional, and that they could not have been general even in the Neilgherry Hills or in Tibet. If an average of three men had one wife in common (twelve husbands to one wife was the Nair limit, p. 147), and this was general through a tribe, two-thirds of the marriageable females would be without husbands. It may safely be asserted that such a state of things never existed generally in the tribes of mankind, and without better evidence it cannot be credited in the Neilgherry Hills or in Tibet. The facts in respect to the Nair polyandry are not fully known. "A Nair may be one in several combinations of husbands; that is, he may have any[Pg 517] number of wives" (p. 148). This, however, would not help the unmarried females to husbands, although it would increase the number of husbands of one wife. Female infanticide cannot be sufficiently exaggerated to raise into general prevalence these forms of polyandry. Neither can it be said with truth that they have exercised a general influence upon human affairs.

The Malayan, Turanian and Ganowánian systems of consanguinity and affinity, however, bring to light forms of polygyny and polyandry which have influenced human affairs, because they were as universal in prevalence as these systems were, when they respectively came into existence. In the Malayan system, we find evidence of consanguine groups founded upon brother and sister marriages, but including collateral brothers and sisters in the group. Here the men lived in polygyny, and the women in polyandry. In the Turanian and Ganowánian system we find evidence of a more advanced group—the punaluan in two forms. One was founded on the brotherhood of the husbands, and the other on the sisterhood of the wives; own brothers and sisters being now excluded from the marriage relation. In each group the men were polygynous, and the women polyandrous. Both practices are found in the same group, and both are essential to an explanation of their system of consanguinity. The last-named system of consanguinity and affinity presupposes punaluan marriage in the group. This and the Malayan exhibit the forms of polygyny and polyandry with which ethnography is concerned; while the Nair and Tibetan forms of polyandry are not only insufficient to explain the systems, but are of no general importance.

These systems of consanguinity and affinity, as they stand in the Tables, have committed such havoc with the theories and opinions advanced in "Primitive Marriage" that I am constrained to ascribe to this fact Mr. McLennan's assault upon my hypothesis explanatory of their origin; and his

attempt to substitute another, denying them to be systems of consanguinity and affinity.

II. *That Mr. McLennan's hypothesis to account for the origin of the classificatory system does not account for its origin.*

Mr. McLennan sets out with the statement (p. 372) that "the phenomena presented in all the forms [of the classificatory system] are ultimately referable to the marriage law; and that accordingly its origin must be so also." This is the basis of my explanation; it is but partially that of his own.

The marriage law, under which he attempts to explain the origin of the Malayan system, is that found in the Nair polyandry; and the marriage-law under which he attempts to explain the origin of the Turanian and Ganowánian system is that indicated by the Tibetan polyandry. But he has neither the Nair nor Tibetan system of consanguinity and affinity, with which to explain or to test his hypothesis. He starts, then, without any material from Nair or Tibetan sources, and with forms of marriage-law that never existed among the tribes and nations possessing the classificatory system of relationship. We thus find at the outset that the explanation in question is a mere random speculation.

Mr. McLennan denies that the systems in the Tables (*Consanguinity*, pp. 298-382; 523-567) are systems of consanguinity and affinity. On the contrary, he asserts that together they are "a system of modes of addressing persons.[Pg 518]" He is not unequivocal in his denial, but the purport of his language is to that effect. In my work of Consanguinity I pointed out the fact that the American Indians in familiar intercourse and in formal salutation addressed each other by the exact relationship in which they stood to each other, and never by the personal name; and that the same usage prevailed in South India and in China. They use the system in salutation because it is a system of consanguinity and affinity—a reason paramount. Mr. McLennan wishes us to believe that these all-embracing systems were simply conventional, and formed to enable persons to address each other in salutation, and for no other purpose. It is a happy way of disposing of these systems, and of throwing away the most remarkable record in existence respecting the early condition of mankind.

Mr. McLennan imagines there must have been a system of consanguinity somewhere entirely independent of the system of addresses; "for it seems reasonable to believe," he remarks (p. 373), "that the system of blood-ties

and the system of addresses would begin to grow up together, and for some little time would have a common history." A system of blood-ties is a system of consanguinity. Where, then, is the lost system? Mr. McLennan neither produces it nor shows its existence. But I find he uses the systems in the Tables *as systems of consanguinity and affinity*, so far as they serve his hypothesis, without taking the trouble to modify the assertion that they are simply "modes of addressing persons."

That savage and barbarous tribes the world over, and through untold ages, should have been so solicitous concerning the proper mode of addressing relations as to have produced the Malayan, Turanian and Ganowánian systems, in their fullness and complexity, for that purpose and no other, and no other systems than these two—that in Asia, Africa, Polynesia, and America they should have agreed, for example, that a given person's grandfather's brother should be addressed as grandfather, that brothers older than one's self should be addressed as elder brothers, and those younger as younger brothers, merely to provide a conventional mode of addressing relatives—are coincidences so remarkable and for so small a reason, that it will be quite sufficient for the author of this brilliant conception to believe it.

A system of modes of addressing persons would be ephemeral, because all conventional usages are ephemeral. They would, also, of necessity, be as diverse as the races of mankind. But a system of consanguinity is a very different thing. Its relationships spring from the family and the marriage-law, and possess even greater permanence than the family itself, which advances while the system remains unchanged. These relationships expressed the actual facts of the social condition when the system was formed, and have had a daily importance in the life of mankind. Their uniformity over immense areas of the earth, and their preservation through immense periods of time, are consequences of their connection with the marriage-law.

When the Malayan system of consanguinity was formed, it may be supposed that a mother could perceive that her own son and daughter stood to her in certain relationships that could be expressed by suitable terms; that her own mother and her mother's own mother stood to her in certain other relationships; that the other children of her own mother stood to her in still other[Pg 519] relationships; and that the children of her own daughter stood to her in still others—all of which might be expressed by suitable terms. It

would give the beginning of a system of consanguinity founded upon obvious blood-ties. It would lay the foundation of the five categories of relations in the Malayan system, and without any reference to marriage-law.

When marriage in the group and the consanguine family came in, of both of which the Malayan system affords evidence, the system would spread over the group upon the basis of these primary conceptions. With the intermarriage of brothers and sisters, own and collateral, in a group, the resulting system of consanguinity and affinity would be Malayan. Any hypothesis explanatory of the origin of the Malayan system must fail if these facts are ignored. Such a form of marriage and of the family would create the Malayan system. It would be a system of consanguinity and affinity from the beginning, and explainable only as such.

If these views are correct, it will not be necessary to consider in detail the points of Mr. McLennan's hypothesis, which is too obscure for a philosophical discussion, and utterly incapable of affording an explanation of the origin of these systems.

III. *That Mr. McLennan's objections to the hypothesis presented in "Systems of Consanguinity," etc., are of no force.*

The same misapprehension of the facts, and the same confusion of ideas which mark his last Essay, also appear in this. He does not hold distinct the relationships by consanguinity and those by marriage, when both exist between the same persons; and he makes mistakes in the relationships of the systems also.

It will not be necessary to follow step by step Mr. McLennan's criticisms upon this hypothesis, some of which are verbal, others of which are distorted, and none of which touch the essence of the questions involved. The first proposition he attempts to refute is stated by him as follows: "The Malayan system of relationships is a system of blood-relationships. Mr. Morgan *assumes* this, and says nothing of the obstacles to making the assumption" (p. 342). It is in part a system of blood-relationships, and in part of marriage-relationships. The fact is patent. The relationships of father and mother, brother and sister, elder or younger, son and daughter, uncle and aunt, nephew and niece and cousin, grandfather and mother, grandson and daughter; and also of brother-in-law and sister-in-law, son-in-law and daughter-in-law, besides others, are given in the Tables and were before Mr. McLennan. These systems speak for themselves, and could say nothing else but that they are systems of consanguinity and affinity. Does Mr. McLennan

suppose that the tribes named had a system other or different from that presented in the Tables? If he did, he was bound to produce it, or to establish the fact of its existence. He does neither.

Two or three of his special points may be considered. "And indeed," he remarks (p. 346), "if a man is called the son of a woman who did not bear him, his being so called clearly defies explanation on the principle of natural descents. The reputed relationship is not, in that case, the one actually existing as near as the parentage of individuals could be known; and accordingly[Pg 520] Mr. Morgan's proposition is not made out." On the face of the statement the question involved is not one of parentage, but of marriage-relationship. A man calls his mother's sister his mother, and she calls him her son, although she did not bear him. This is the case in the Malayan, Turanian and Ganowánian systems. Whether we have consanguine or punaluan marriages, a man's mother's sister is the wife of his reputed father. She is his step-mother as near as our system furnishes an analogue; and among ourselves a step-mother is called mother, and she calls her step-son, son. It defies explanation, it is true, as a blood-relationship, which it does not pretend to be, but as a marriage-relationship, which it pretends to be, this is the explanation. The reasoning of Mr. McLennan is equally specious and equally faulty in a number of cases.

Passing from the Malayan to the Turanian system, he remarks (p. 354): "It follows from this that a man's son and his sister's daughter, while *reputed brother and sister*, would have been free, when the 'tribal organization' had been established, to intermarry, for they belonged to different tribes of descent." From this he branches out in an argument of two or three pages to prove that "Mr. Morgan's reason, then, is insufficient." If Mr. McLennan had studied the Turanian or the Ganowánian system of consanguinity with very moderate attention, he would have found that a "man's son and his sister's daughter" are not "reputed brother and sister." On the contrary, they are *cousins*. This is one of the most obvious as well as important differences between the Malayan and Turanian systems, and the one which expresses the difference between the consanguine family of the Malayan, and the punaluan family of the Turanian system.

The general reader will hardly take the trouble necessary to master the details of these systems. Unless he can follow the relationships with ease and freedom, a discussion of the system will be a source of perplexity rather

than of pleasure. Mr. McLennan uses the terms of relationship freely, but without, in all cases, using them correctly.

In another place (p. 360), Mr. McLennan attributes to me a distinction between marriage and cohabitation which I have not made; and follows it with a rhetorical flourish quite equal to the best in "Primitive Marriage."

Finally, Mr. McLennan plants himself upon two alleged mistakes which vitiate, in his opinion, my explanation of the origin of the classificatory system. "In attempting to explain the origin of the classificatory system, Mr. Morgan made two radical mistakes. His first mistake was, that he did not steadily contemplate the main peculiarity of the system—its classification of the connected persons; that he did not seek the origin of the system in the origin of the classification" (p. 360). What is the difference in this case, between the *system* and the *classification*? The two mean the same thing, and cannot by any possibility be made to mean anything different. To seek the origin of one is to seek the origin of the other.

"The second mistake, or rather I should say error, was to have so lightly assumed the system to be a system of blood ties" (p. 361). There is no error here, since the persons named in the Tables are descended from common ancestors, or connected by marriage with some one or more of them. They are the same persons who are described in the Table showing the Aryan, Semitic, and[Pg 521] Uralian systems (Consanguinity, pp. 79-127). In each and all of these systems they are bound to each other in fact by consanguinity and affinity. In the latter each relationship is specialized; in the former they are classified in categories; but in all alike the ultimate basis is the same, namely, actual consanguinity and affinity. Marriage in the group in the former, and marriage between single pairs in the latter, produced the difference between them. In the Malayan, Turanian and Ganowánian systems, there is a solid basis for the blood-relationships they exhibit in the common descent of the persons; and for the marriage-relationships we must look to the form of marriage they indicate. Examination and comparison show that two distinct forms of marriage are requisite to explain the Malayan and Turanian systems; whence the application, as tests of consanguine marriage in one case, and a punaluan marriage in the other.

While the terms of relationship are constantly used in salutation, it is because they are terms of relationship that they are so used. Mr.

McLennan's attempt to turn them into conventional modes of addressing persons is futile. Although he lays great stress upon this view he makes no use of them as "modes of address" in attempting to explain their origin. So far as he makes any use of them he employs them strictly as terms of consanguinity and affinity. It was as impossible that "a system of modes of addressing persons" should have grown up independently of the system of consanguinity and affinity (p. 373), as that language should have grown up independently of the ideas it represents and expresses. What could have given to these terms their significance as used in addressing relatives, but the relationship whether of consanguinity or affinity which they expressed? The mere want of a mode of addressing persons could never have given such stupendous systems, identical in minute details over immense sections of the earth.

Upon the essential difference between Mr. McLennan's explanation of the origin of the classificatory system, and the one presented in this volume—whether it is *a system of modes of addressing persons, or a system of consanguinity and affinity*—I am quite content to submit the question to the judgment of the reader.

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PART IV. - GROWTH OF THE IDEA OF PROPERTY.

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CHAPTER I. - THE THREE RULES OF INHERITANCE.

Property in the Status of Savagery.—Slow Rate of Progress.—First Rule of Inheritance.—Property Distributed among the Gentiles.—Property in the Lower Status of Barbarism.—Germ of Second Rule of Inheritance.—Distributed among Agnatic Kindred.—Improved Character of Man.—Property in Middle Status.—Rule of Inheritance imperfectly Known.—Agnatic Inheritance Probable.

It remains to consider the growth of property in the several ethnical periods, the rules that sprang up with respect to its ownership and inheritance, and the influence which it exerted upon ancient society.

The earliest ideas of property were intimately associated with the procurement of subsistence, which was the primary need. The objects of ownership would naturally increase in each successive ethnical period with the multiplication of those arts upon which the means of subsistence depended. The growth of property would thus keep pace with the progress of inventions and discoveries. Each ethnical period shows a marked advance upon its predecessor, not only in the number of inventions, but also in the variety and amount of property which resulted therefrom. The multiplicity of the forms of property would be accompanied by the growth of certain regulations with reference to its possession and inheritance. The customs upon which these rules of proprietary possession and inheritance depend, are determined and modified by the condition and progress of the social organization. The growth of prop[Pg 526]erty is thus closely connected with the increase of inventions and discoveries, and with the improvement of social institutions which mark the several ethnical periods of human progress.

I. *Property in the Status of Savagery.*

In any view of the case, it is difficult to conceive of the condition of mankind in this early period of their existence, when divested of all they had gained through inventions and discoveries, and through the growth of

ideas embodied in institutions, usages and customs. Human progress from a state of absolute ignorance and inexperience was slow in time, but geometrical in ratio. Mankind may be traced by a chain of necessary inferences back to a time when, ignorant of fire, without articulate language, and without artificial weapons, they depended, like the wild animals, upon the spontaneous fruits of the earth. Slowly, almost imperceptibly, they advanced through savagery, from gesture language and imperfect sounds to articulate speech; from the club, as the first weapon, to the spear pointed with flint, and finally to the bow and arrow; from the flint-knife and chisel to the stone axe and hammer; from the ozier and cane basket to the basket coated with clay, which gave a vessel for boiling food with fire; and, finally, to the art of pottery, which gave a vessel able to withstand the fire. In the means of subsistence, they advanced from natural fruits in a restricted habitat to scale and shell fish on the coasts of the sea, and finally to bread roots and game. Rope and string-making from filaments of bark, a species of cloth made of vegetable pulp, the tanning of skins to be used as apparel and as a covering for tents, and finally the house constructed of poles and covered with bark, or made of plank split by stone wedges, belong, with those previously named, to the Status of Savagery. Among minor inventions may be mentioned the fire-drill, the moccasin and the snow-shoe.

Before the close of this period, mankind had learned to support themselves in numbers in comparison with primitive times; they had propagated themselves over the face[Pg 527] of the earth, and come into possession of all the possibilities of the continents in favor of human advancement. In social organization, they had advanced from the consanguine horde into tribes organized in gentes, and thus became possessed of the germs of the principal governmental institutions. The human race was now successfully launched upon its great career for the attainment of civilization, which even then, with articulate language among inventions, with the art of pottery among arts, and with the gentes among institutions, was substantially assured.

The period of savagery wrought immense changes in the condition of mankind. That portion, which led the advance, had finally organized gentile society and developed small tribes with villages here and there which tended to stimulate the inventive capacities. Their rude energies and ruder arts had been chiefly devoted to subsistence. They had not attained to the

village stockade for defense, nor to farinaceous food, and the scourge of cannibalism still pursued them. The arts, inventions and institutions named represent nearly the sum of the acquisitions of mankind in savagery, with the exception of the marvelous progress in language. In the aggregate it seems small, but it was immense potentially; because it embraced the rudiments of language, of government, of the family, of religion, of house architecture and of property, together with the principal germs of the arts of life. All these their descendants wrought out more fully in the period of barbarism, and their civilized descendants are still perfecting.

But the property of savages was inconsiderable. Their ideas concerning its value, its desirability and its inheritance were feeble. Rude weapons, fabrics, utensils, apparel, implements of flint, stone and bone, and personal ornaments represent the chief items of property in savage life. A passion for its possession had scarcely been formed in their minds, because the thing itself scarcely existed. It was left to the then distant period of civilization to develop into full vitality that "greed of gain" (*studium lucri*), which is now such a commanding force in the human mind. Lands,[Pg 528] as yet hardly a subject of property, were owned by the tribes in common, while tenement houses were owned jointly by their occupants. Upon articles purely personal, which were increasing with the slow progress of inventions, the great passion was nourishing its nascent powers. Those esteemed most valuable were deposited in the grave of the deceased proprietor for his continued use in the spirit-land. What remained was sufficient to raise the question of its inheritance. Of the manner of its distribution before the organization into gentes, our information is limited, or altogether wanting. With the institution of the gens came in the first great rule of inheritance, which distributed the effects of a deceased person among his gentiles. Practically they were appropriated by the nearest of kin; but the principle was general, that the property should remain in the gens of the decedent, and be distributed among its members. This principle was maintained into civilization by the Grecian and Latin gentes. Children inherited from their mother, but took nothing from their reputed father.

II. *Property in the Lower Status of Barbarism.*

From the invention of pottery to the domestication of animals, or, as an equivalent, the cultivation of maize and plants by irrigation, the duration of the period must have been shorter than that of savagery. With the exception

of the art of pottery, finger weaving and the art of cultivation, in America, which gave farinaceous food, no great invention or discovery signalized this ethnical period. It was more distinguished for progress in the development of institutions. Finger weaving, with warp and woof, seems to belong to this period, and it must rank as one of the greatest of inventions; but it cannot be certainly affirmed that the art was not attained in savagery. The Iroquois and other tribes of America in the same status, manufactured belts and burden-straps with warp and woof of excellent quality and finish; using fine twine made of filaments of elm and basswood bark.502 The principles of this great invention, which has since clothed the human family,[Pg 529] were perfectly realized; but they were unable to extend it to the production of the woven garment. Picture writing also seems to have made its first appearance in this period. If it originated earlier, it now received a very considerable development. It is interesting as one of the stages of an art which culminated in the invention of a phonetic alphabet. The series of connected inventions seem to have been the following: 1. Gesture Language, or the language of personal symbols; 2. Picture Writing, or idiographic symbols; 3. Hieroglyphs, or conventional symbols; 4. Hieroglyphs of phonetic power, or phonetic symbols used in a syllabus; and 5. A Phonetic Alphabet, or written sounds. Since a language of written sounds was a growth through successive stages of development, the rise of its antecedent processes is both important and instructive. The characters on the Copan monuments are apparently hieroglyphs of the grade of conventional symbols. They show that the American aborigines, who practiced the first three forms, were proceeding independently in the direction of a phonetic alphabet.

The invention of the stockade as a means of village defense, of a raw-hide shield as a defense against the arrow, which had now become a deadly missile, of the several varieties of the war-club, armed with an encased stone or with a point of deer horn, seem also to belong to this period. At all events they were in common use among the American Indian tribes in the Lower Status of barbarism when discovered. The spear pointed with flint or bone was not a customary weapon with the forest tribes, though sometimes used.503 This weapon belongs to the period of savagery, before the bow and arrow were invented, and reappears as a prominent weapon in the Upper Status of barbarism, when the copper-pointed spear came into use,

and close combat became the mode of warfare. The bow and arrow and the war-club were the principal weapons of the American abo[Pg 530]rigines in the Lower Status of barbarism. Some progress was made in pottery in the increased size of the vessels produced, and in their ornamentation;504 but it remained extremely rude to the end of the period. There was a sensible advance in house architecture, in the size and mode of construction. Among minor inventions were the air-gun for bird-shooting, the wooden mortar and pounder for reducing maize to flour, and the stone mortar for preparing paints; earthen and stone pipes, with the use of tobacco; bone and stone implements of higher grades, with stone hammers and mauls, the handle and upper part of the stone being encased in raw hide; and moccasins and belts ornamented with porcupine quills. Some of these inventions were borrowed, not unlikely, from tribes in the Middle Status; for it was by this process constantly repeated that the more advanced tribes lifted up those below them, as fast as the latter were able to appreciate and to appropriate the means of progress.

The cultivation of maize and plants gave the people unleavened bread, the Indian succotash and hominy. It also tended to introduce a new species of property, namely, cultivated lands or gardens. Although lands were owned in common by the tribe, a possessory right to cultivated land was now recognized in the individual, or in the group, which became a subject of inheritance. The group united in a common household were mostly of the same gens, and the rule of inheritance would not allow it to be detached from the kinship.

The property and effects of husband and wife were kept distinct, and remained after their demise in the gens to which each respectively belonged. The wife and children took nothing from the husband and father, and the husband took nothing from the wife. Among the Iroquois, if a man died leaving a wife and children, his property was distributed among his gentiles in such a manner that his sisters[Pg 531] and their children, and his maternal uncles, would receive the most of it. His brothers might receive a small portion. If a woman died, leaving a husband and children, her children, her sisters, and her mother and her sisters inherited her effects; but the greater portion was assigned to her children. In each case the property remained in the gens. Among the Ojibwas, the effects of a mother were distributed among her children, if old enough to use them; otherwise, or in

default of children, they went to her sisters, and to her mother and her sisters, to the exclusion of her brothers. Although they had changed descent to the male line, the inheritance still followed the rule which prevailed when descent was in the female line.

The variety and amount of property were greater than in savagery, but still not sufficient to develop a strong sentiment in relation to inheritance. In the mode of distribution above given may be recognized, as elsewhere stated, the germ of the second great rule of inheritance, which gave the property to the agnatic kindred, to the exclusion of the remaining gentiles. Agnation and agnatic kindred, as now defined, assume descent in the male line; but the persons included would be very different from those with descent in the female line. The principle is the same in both cases, and the terms seem as applicable in the one as in the other. With descent in the female line, the agnates are those persons who can trace their descent through females exclusively from the same common ancestor with the intestate; in the other case, who can trace their descent through males exclusively. It is the blood connection of persons within the gens by direct descent, in a given line, from the same common ancestor which lies at the foundation of agnatic relationship.

At the present time, among the advanced Indian tribes, repugnance to gentile inheritance has begun to manifest itself. In some it has been overthrown, and an exclusive inheritance in children substituted in its place. Evidence of this repugnance has elsewhere been given, among the Iroquois, Creeks, Cherokees, Choctas, Menominees, Crows[Pg 532] and Ojibwas, with references to the devices adopted to enable fathers to give their property, now largely increased in amount, to their children.

The diminution of cannibalism, that brutalizing scourge of savagery, was very marked in the Older Period of barbarism. It was abandoned as a common practice; but remained as a war practice, as elsewhere explained, through this, and into the Middle Period. In this form it was found in the principal tribes of the United States, Mexico, and Central America. The acquisition of farinaceous food was the principal means of extricating mankind from this savage custom.

We have now passed over, with a mere glance, two ethnical periods, which covered four-fifths, at least, of the entire existence of mankind upon the earth. While in the Lower Status, the higher attributes of man began to manifest themselves. Personal dignity, eloquence in speech, religious

sensibility, rectitude, manliness and courage were now common traits of character; but cruelty, treachery and fanaticism were equally common. Element worship in religion, with a dim conception of personal gods, and of a Great Spirit, rude verse-making, joint-tenement houses, and bread from maize, belong to this period. It also produced the syndyasmian family, and the confederacy of tribes organized in gentes and phratries. The imagination, that great faculty which has contributed so largely to the elevation of mankind, was now producing an unwritten literature of myths, legends and traditions, which had already become a powerful stimulus upon the race.

III. *Property in the Middle Status of Barbarism.*

The condition of mankind in this ethnical period has been more completely lost than that of any other. It was exhibited by the Village Indians of North and South America in barbaric splendor at the epoch of their discovery. Their governmental institutions, their religious tenets, their plan of domestic life, their arts and their rules in relation to the ownership and inheritance of property, might have been completely obtained; but the opportunity was allowed[Pg 533] to escape. All that remains are scattered portions of the truth buried in misconceptions and romantic tales.

This period opens in the Eastern hemisphere with the domestication of animals, and in the Western with the appearance of the Village Indians, living in large joint-tenement houses of adobe brick, and, in some areas, of stone laid in courses. It was attended with the cultivation of maize and plants by irrigation, which required artificial canals, and garden beds laid out in squares, with raised ridges to contain the water until absorbed. When discovered, they were well advanced toward the close of the Middle Period, a portion of them having made bronze, which brought them near the higher process of smelting iron ore. The joint-tenement house was in the nature of a fortress, and held an intermediate position between the stockaded village of the Lower, and the walled city of the Upper Status. There were no cities, in the proper sense of the term, in America when discovered. In the art of war they had made but little progress, except in defense, by the construction of great houses generally impregnable to Indian assault. But they had invented the quilted mantle (*escaupiles*), stuffed with cotton, as a further shield against the arrow,505 and the two-edged sword (*macuahuitl*),506 each edge having a row of angular flint points imbedded in the wooden

blade. They still used the bow and arrow, the spear, and the war-club, flint knives and hatchets, and stone implements,507 although they had the copper axe and chisel, which for some reason never came into general use. To maize, beans, squashes and tobacco, were now added cotton, pepper, tomato, cacao, and the care of certain fruits. A beer was made by fermenting the juice of the maguey. The Iroquois, however, had produced a similar beverage by fermenting maple sap. Earthen vessels of capacity to hold several gallons, of fine texture and superior ornamentation, were produced by improved methods in the ceramic art. Bowls, pots and water-jars were manufactured in abun[Pg 534]dance. The discovery and use of the native metals first for ornaments, and finally for implements and utensils, such as the copper axe and chisel, belong to this period. The melting of these metals in the crucible, with the probable use of the blow-pipe and charcoal, and casting them in moulds, the production of bronze, rude stone sculptures, the woven garment of cotton,508 the house of dressed stone, ideographs or hieroglyphs cut on the grave-posts of deceased chiefs, the calendar for measuring time, and the solstitial stone for marking the seasons, cyclopean walls, the domestication of the llama, of a species of dog, of the turkey and other fowls, belong to the same period in America. A priesthood organized in a hierarchy, and distinguished by a costume, personal gods with idols to represent them, and human sacrifices, appear for the first time in this ethnical period. Two large Indian pueblos, Mexico and Cusco, now appear, containing over twenty thousand inhabitants, a number unknown in the previous period. The aristocratic element in society began to manifest itself in feeble forms among the chiefs, civil and military, through increased numbers under the same government, and the growing complexity of affairs.

Turning to the Eastern hemisphere, we find its native tribes, in the corresponding period, with domestic animals yielding them a meat and milk subsistence, but probably without horticultural and without farinaceous food. When the great discovery was made that the wild horse, cow, sheep, ass, sow and goat might be tamed, and, when produced in flocks and herds, become a source of permanent subsistence, it must have given a powerful impulse to human progress. But the effect would not become general until pastoral life for the creation and maintenance of flocks and herds became established. Europe, as a forest area in the main,

was unadapted to the pastoral state; but the grass plains of high Asia, and upon the Euphrates, the Tigris and other rivers of Asia, were the natural homes of the pastoral tribes. Thither they would naturally tend; and[Pg 535] to these areas we trace our own remote ancestors, where they were found confronting like pastoral Semitic tribes. The cultivation of cereals and plants must have preceded their migration from the grass plains into the forest areas of Western Asia and of Europe. It would be forced upon them by the necessities of the domestic animals now incorporated in their plan of life. There are reasons, therefore, for supposing that the cultivation of cereals by the Aryan tribes preceded their western migration, with the exception perhaps of the Celts. Woven fabrics of flax and wool, and bronze implements and weapons appear in this period in the Eastern hemisphere. Such were the inventions and discoveries which signalized the Middle Period of barbarism. Society was now more highly organized, and its affairs were becoming more complex. Differences in the culture of the two hemispheres now existed in consequence of their unequal endowments; but the main current of progress was steadily upward to a knowledge of iron and its uses. To cross the barrier into the Upper Status, metallic tools able to hold an edge and point were indispensable. Iron was the only metal able to answer these requirements. The most advanced tribes were arrested at this barrier, awaiting the invention of the process of smelting iron ore.

From the foregoing considerations it is evident that a large increase of personal property had now occurred, and some changes in the relations of persons to land. The territorial domain still belonged to the tribe in common; but a portion was now set apart for the support of the government, another for religious uses, and another and more important portion, that from which the people derived their subsistence, was divided among the several gentes, or communities of persons who resided in the same pueblo (*supra*, p. 200). That any persons owned lands or houses in his own right, with power to sell and convey in fee-simple to whomsoever he pleased, is not only unestablished but improbable. Their mode of owning their lands in common, by gentes, or by communities of persons, their joint-tenement houses,[Pg 536] and their mode of occupation by related families, precluded the individual ownership of houses or of lands. A right to sell an interest in such lands or in such houses, and to transfer the same to a stranger, would break up their plan of life.509 The possessory right, which

we must suppose existed in individuals or in families, was inalienable, except within the gens, and on the demise of the person would pass by inheritance to his or her gentile heirs. Joint-tenement houses, and lands in common, indicate a plan of life adverse to individual ownership.

The Moqui Village Indians, besides their seven large pueblos and their gardens, now have flocks of sheep, horses and mules, and considerable other personal property. They manufacture earthen vessels of many sizes and of excellent quality, and woolen blankets in looms, and with yarn of their own production. Major J. W. Powell noticed the following case at the pueblo of Oraybe, which shows that the husband acquires no rights over the property of the wife, or over the children of the marriage. A Zunian married an Oraybe woman, and had by her three children. He resided with them at Oraybe until his wife died, which occurred while Major Powell was at the pueblo. The relatives of the deceased wife took possession of her children and of her household property; leaving to him his horse, clothing and weapons. Certain blankets which belonged to him he was allowed to take, but those belonging to his wife remained. He left the pueblo with Major Powell, saying he would go with him to Santa Fé, and then return to his own people at Zuñi. Another case of a similar kind occurred at[Pg 537] another of the Moqui pueblos (She-pow-e-luv-ih), which also came to the notice of my informant. A woman died, leaving children and a husband, as well as property. The children and the property were taken by the deceased wife's relatives; all the husband was allowed to take was his clothing. Whether he was a Moqui Indian or from another tribe, Major Powell, who saw the person, did not learn. It appears from these cases that the children belonged to the mother, and not to the father, and that he was not allowed to take them even after the mother's death. Such also was the usage among the Iroquois and other northern tribes. Furthermore, the property of the wife was kept distinct, and belonged to her relatives after her death. It tends to show that the wife took nothing from her husband, as an implication from the fact that the husband took nothing from the wife. Elsewhere it has been shown that this was the usage among the Village Indians of Mexico.

Women, as well as men, not unlikely, had a possessory right to such rooms and sections of these pueblo houses as they occupied; and they doubtless transmitted these rights to their nearest of kin, under established regulations. We need to know how these sections of each pueblo are owned

and inherited, whether the possessor has the right to sell and transfer to a stranger, and if not, the nature and limits of his possessory right. We also need to know who inherits the property of the males, and who inherits the property of the females. A small amount of well-directed labor would furnish the information now so much desired.

The Spanish writers have left the land tenure of the southern tribes in inextricable confusion. When they found a community of persons owning lands in common, which they could not alienate, and that one person among them was recognized as their chief, they at once treated these lands as a feudal estate, the chief as a feudal lord, and the people who owned the lands in common as his vassals. At best, it was a perversion of the facts. One thing is plain, namely, that these lands were owned in common by a community of persons; but one, not less essential, is not given, namely,[Pg 538] the bond of union which held these persons together. If a gens, or a part of a gens, the whole subject would be at once understood.

Descent in the female line still remained in some of the tribes of Mexico and Central America, while in others, and probably in the larger portion, it had been changed to the male line. The influence of property must have caused the change, that children might participate as agnates in the inheritance of their father's property. Among the Mayas, descent was in the male line, while among the Aztecs, Tezcucans, Tlacopans and Tlascalans, it is difficult to determine whether it was in the male or the female line. It is probable that descent was being changed to the male line among the Village Indians generally, with remains of the archaic rule manifesting themselves, as in the case of the office of Teuctli. The change would not overthrow gentile inheritance. It is claimed by a number of Spanish writers that the children, and in some cases the eldest son, inherited the property of a deceased father; but such statements, apart from an exposition of their system, are of little value.

Among the Village Indians, we should expect to find the second great rule of inheritance which distributed the property among the agnatic kindred. With descent in the male line, the children of a deceased person would stand at the head of the agnates, and very naturally receive the greater portion of the inheritance. It is not probable that the third great rule, which gave an exclusive inheritance to the children of the deceased owner, had become established among them. The discussion of inheritances by the earlier and later writers is unsatisfactory, and devoid of accurate

information. Institutions, usages and customs still governed the question, and could alone explain the system. Without better evidence than we now possess, an exclusive inheritance by children cannot be asserted.

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CHAPTER II. - THE THREE RULES OF INHERITANCE—CONTINUED.

Property in the Upper Status of Barbarism.—Slavery.—Tenure of Lands in Grecian Tribes.—Culture of the Period.—Its Brilliancy.—Third Rule of Inheritance.—Exclusively in Children.—Hebrew Tribes.—Rule of Inheritance.—Daughters of Zelophehad.—Property remained in the Phratry, and probably in the Gens.—The Reversion.—Athenian Inheritance.—Exclusively in Children.—The Reversion.—Inheritance remained in the Gens.—Heiresses.—Wills.—Roman Inheritance.—The Reversion.—Property remained in the Gens.—Appearance of Aristocracy.—Property Career of the Human Race.—Unity of Origin of Mankind.

The last great period of barbarism was never entered by the American aborigines. It commenced in the Eastern, according to the scheme adopted, with the production and use of iron.

The process of smelting iron ore was the invention of inventions, as elsewhere suggested, beside which all other inventions and discoveries hold a subordinate position. Mankind, notwithstanding a knowledge of bronze, were still arrested in their progress for the want of efficient metallic tools, and for the want of a metal of sufficient strength and hardness for mechanical appliances. All these qualities were found for the first time in iron. The accelerated progress of human intelligence dates from this invention. This ethnical period, which is made forever memorable, was, in many respects, the most brilliant and remarkable in the entire experience of mankind. It is so overcrowded with[Pg 540] achievements as to lead to a suspicion that many of the works ascribed to it belong to the previous period.

IV. *Property in the Upper Status of Barbarism.*—Near the end of this period, property in masses, consisting of many kinds and held by individual ownership, began to be common, through settled agriculture, manufactures, local trade and foreign commerce; but the old tenure of lands under which they were held in common had not given place, except in part, to ownership in severalty. Systematic slavery originated in this status. It stands directly

connected with the production of property. Out of it came the patriarchal family of the Hebrew type, and the similar family of the Latin tribes under paternal power, as well as a modified form of the same family among the Grecian tribes. From these causes, but more particularly from the increased abundance of subsistence through field agriculture, nations began to develop, numbering many thousands under one government, where before they would be reckoned by a few thousands. The localization of tribes in fixed areas and in fortified cities, with the increase of the numbers of the people, intensified the struggle for the possession of the most desirable territories. It tended to advance the art of war, and to increase the rewards of individual prowess. These changes of condition and of the plan of life indicate the approach of civilization, which was to overthrow gentile and establish political society.

Although the inhabitants of the Western hemisphere had no part in the experience which belongs to this status, they were following down the same lines on which the inhabitants of the Eastern had passed. They had fallen behind the advancing column of the human race by just the distance measured by the Upper Status of barbarism and the superadded years of civilization.

We are now to trace the growth of the idea of property in this status of advancement, as shown by its recognition in kind, and by the rules that existed with respect to its ownership and inheritance.

The earliest laws of the Greeks, Romans and Hebrews,[Pg 541] after civilization had commenced, did little more than turn into legal enactments the results which their previous experience had embodied in usages and customs. Having the final laws and the previous archaic rules, the intermediate changes, when not expressly known, may be inferred with tolerable certainty.

At the close of the Later Period of barbarism, great changes had occurred in the tenure of lands. It was gradually tending to two forms of ownership, namely, by the state and by individuals. But this result was not fully secured until after civilization had been attained. Lands among the Greeks were still held, as we have seen, some by the tribes in common, some by the phratry in common for religious uses, and some by the gens in common; but the bulk of the lands had fallen under individual ownership in severalty. In the time of Solon, while Athenian society was still gentile, lands in general

were owned by individuals, who had already learned to mortgage them;510 but individual ownership was not then a new thing. The Roman tribes, from their first establishment, had a public domain, the *Ager Romanus*; while lands were held by the *curia* for religious uses, by the gens, and by individuals in severalty. After these social corporations died out, the lands held by them in common gradually became private property. Very little is known beyond the fact that certain lands were held by these organizations for special uses, while individuals were gradually appropriating the substance of the national areas.

These several forms of ownership tend to show that the oldest tenure, by which land was held, was by the tribe in common; that after its cultivation began, a portion of the tribe lands was divided among the gentes, each of which held their portion in common; and that this was followed, in course of time, by allotments to individuals, which allot[Pg 542]ments finally ripened into individual ownership in severalty. Unoccupied and waste lands still remained as the common property of the gens, the tribe and the nation. This, substantially, seems to have been the progress of experience with respect to the ownership of land. Personal property, generally, was subject to individual ownership.

The monogamian family made its first appearance in the Upper Status of barbarism, the growth of which out of a previous syndyasmian form was intimately connected with the increase of property, and with the usages in respect to its inheritance. Descent had been changed to the male line; but all property, real as well as personal, remained, as it had been from time immemorial, hereditary in the gens.

Our principal information concerning the kinds of property, that existed among the Grecian tribes in this period, is derived from the Homeric poems, and from the early laws of the period of civilization which reflect ancient usages. Mention is made in the Iliad of *fences*511 around cultivated fields, of an *enclosure of fifty acres* (πεντηκοντόγυος), half of which was fit for vines and the remainder for tillage;512 and it is said of Tydeus that he lived in a mansion rich in resources, and had corn-producing fields in abundance.513 There is no reason to doubt that lands were then fenced and measured, and held by individual ownership. It indicates a large degree of progress in a knowledge of property and its uses. Breeds of horses were already distinguished for particular excellence.514 Herds of cattle and

flocks of sheep possessed by individuals are mentioned, as “sheep of a rich man standing countless in the fold.”515 Coined money was still unknown, consequently trade was by barter of commodities, as indicated by the following lines: “Thence the long-haired Greeks bought wine, some for brass, some for shining iron, others for hides, some for the oxen themselves, and some for slaves.”516 Gold in bars, however, is named as passing by weight and esti[Pg 543]mated by talents.517 Manufactured articles of gold, silver, brass and iron, and textile fabrics of linen and woolen in many forms, together with houses and palaces, are mentioned. It will not be necessary to extend the illustrations. Those given are sufficient to indicate the great advance society had attained in the Upper Status of barbarism, in contrast with that in the immediately previous period.

After houses and lands, flocks and herds, and exchangeable commodities had become so great in quantity, and had come to be held by individual ownership, the question of their inheritance would press upon human attention until the right was placed upon a basis which satisfied the growing intelligence of the Greek mind. Archaic usages would be modified in the direction of later conceptions. The domestic animals were a possession of greater value than all kinds of property previously known put together. They served for food, were exchangeable for other commodities, were usable for redeeming captives, for paying fines, and in sacrifices in the observance of their religious rites. Moreover, as they were capable of indefinite multiplication in numbers, their possession revealed to the human mind its first conception of wealth. Following upon this, in course of time, was the systematical cultivation of the earth, which tended to identify the family with the soil, and render it a property-making organization. It soon found expression, in the Latin, Grecian and Hebrew tribes, in the family under paternal power, involving slaves and servants. Since the labor of the father and his children became incorporated more and more with the land, with the production of domestic animals, and with the creation of merchandise, it would not only tend to individualize the family, now monogamian, but also to suggest the superior claims of children to the inheritance of the property they had assisted in creating. Before lands were cultivated, flocks and herds would naturally fall under the joint ownership of persons united in a group, on a basis of kin, for subsistence. Agnatic inheritance would be apt to assert itself in this condition of[Pg 544] things.

But when lands had become the subject of property, and allotments to individuals had resulted in individual ownership, the third great rule of inheritance, which gave the property to the children of the deceased owner, was certain to supervene upon agnatic inheritance. There is no direct evidence that strict agnatic inheritance ever existed among the Latin, Grecian or Hebrew tribes, excepting in the reversion, established alike in Roman, Grecian and Hebrew law; but that an exclusive agnatic inheritance existed in the early period may be inferred from the reversion.

When field agriculture had demonstrated that the whole surface of the earth could be made the subject of property owned by individuals in severalty, and it was found that the head of the family became the natural center of accumulation, the new property career of mankind was inaugurated. It was fully done before the close of the Later Period of barbarism. A little reflection must convince any one of the powerful influence property would now begin to exercise upon the human mind, and of the great awakening of new elements of character it was calculated to produce. Evidence appears, from many sources, that the feeble impulse aroused in the savage mind had now become a tremendous passion in the splendid barbarian of the heroic age. Neither archaic nor later usages could maintain themselves in such an advanced condition. The time had now arrived when monogamy, having assured the paternity of children, would assert and maintain their exclusive right to inherit the property of their deceased father.518

In the Hebrew tribes, of whose experience in barbarism[Pg 545] very little is known, individual ownership of lands existed before the commencement of their civilization. The purchase from Ephron by Abraham of the cave of Machpelah is an illustration.519 They had undoubtedly passed through a previous experience in all respects similar to that of the Aryan tribes; and came out of barbarism, like them, in possession of the domestic animals and of the cereals, together with a knowledge of iron and brass, of gold and silver, of fictile wares and of textile fabrics. But their knowledge of field agriculture was limited in the time of Abraham. The reconstruction of Hebrew society, after the Exodus, on the basis of consanguine tribes, to which on reaching Palestine territorial areas were assigned, shows that civilization found them under gentile institutions, and below a knowledge of political society. With respect to the ownership and inheritance of property, their experience seems to have been coincident with that of the

Roman and Grecian tribes, as can be made out, with some degree of clearness, from the legislation of Moses. Inheritance was strictly within the phratry, and probably within the gens, namely "the house of the father." The archaic rule of inheritance among the Hebrews is unknown, except as it is indicated by the reversion, which was substantially the same as in the Roman law of the Twelve Tables. We have this law of reversion, and also an illustrative case, showing that after children had acquired an exclusive inheritance, daughters succeeded in default of sons. Marriage would then transfer their property from their own gens to that of their husband's, unless some restraint, in the case of heiresses, was put on the right. Presumptively and naturally, marriage within the gens was prohibited. This presented the last great question which arose with respect to gentile inheritance. It came before Moses as a question of Hebrew inheritance, and before Solon as a question of Athenian inheritance, the gens claiming a paramount right to its retention within its membership; and it was adjudicated by both, in the same manner. It may be reasonably supposed that the same[Pg 546] question had arisen in the Roman gentes, and was in part met by the rule that the marriage of a female worked a *deminutio capitis*, and with it a forfeiture of agnatic rights. Another question was involved in this issue; namely, whether marriage should be restricted by the rule forbidding it within the gens, or become free; the degree, and not the fact of kin, being the measure of the limitation. This last rule was to be the final outcome of human experience with respect to marriage. With these considerations in mind, the case to be cited sheds a strong light upon the early institutions of the Hebrews, and shows their essential similarity with those of the Greeks and Romans under gentilism.

Zelophehad died leaving daughters, but no sons, and the inheritance was given to the former. Afterwards, these daughters being about to marry out of the tribe of Joseph, to which they belonged, the members of the tribe objecting to such a transfer of the property, brought the question before Moses, saying: "If they be married to any of the sons of the *other* tribes of the children of Israel, then shall the inheritance be taken from the inheritance of our fathers, and shall be put to the inheritance of the tribe whereunto they are received: so shall it be taken from the lot of our inheritance."[520] Although this language is but the statement of the results of a proposed act, it implies a grievance; and that grievance was the transfer

of the property from the gens and tribe to which it was conceived as belonging by hereditary right. The Hebrew lawgiver admits this right in the language of his decision. "The tribe of the sons of Joseph hath spoken well. This *is* the thing which the Lord doth command concerning the daughters of Zelophehad, saying, Let them marry to whom they think best: only to the family of the tribe of their father shall they marry. So shall not the inheritance of the children of Israel remove from tribe to tribe: for every one of the children of Israel shall keep himself to the inheritance of the tribe of his fathers. And every daughter that possesseth[Pg 547] an inheritance in any tribe of the children of Israel shall be wife unto one of the family of the tribe of her father, that the children of Israel may enjoy every man the inheritance of his fathers."521 They were required to marry into their own phratry (*supra*, p. 368), but not necessarily into their own gens. The daughters of Zelophehad were accordingly "married to their father's brother's sons,"522 who were not only members of their own phratry, but also of their own gens. They were also their nearest agnates.

On a previous occasion, Moses had established the rule of inheritance and of reversion in the following explicit language. "And thou shalt speak unto the children of Israel, saying, If a man die and have no son, then you shall cause his inheritance to pass unto his daughters. And if he have no daughter, then you shall give his inheritance unto his brothers. And if he have no brethren, then ye shall give his inheritance unto his father's brethren. And if his father have no brethren, then ye shall give his inheritance unto his kinsman, that is next to him of his family, and he shall possess it."523

Three classes of heirs are here named; first, the children of the deceased owner; second, the agnates, in the order of their nearness; and third, the gentiles, restricted to the members of the phratry of the decedent. The first class of heirs were the children; but the inference would be that the sons took the property, subject to the obligation of maintaining the daughters. We find elsewhere that the eldest son had a double portion. In default of sons, the daughters received the inheritance. The second class were the agnates, divided into two grades; first, the brethren of the decedent, in default of children, received the inheritance; and second, in default of them, the brethren of the father of the decedent. The third were the gentiles, also in the order of their nearness, namely, "his kinsman that is next to him of

his family." As the "family of the tribe" is the analogue of the phratry (*supra*, p. 369), the property, in default of children and of agnates, went to the nearest phra[Pg 548]tor of the deceased owner. It excluded cognates from the inheritance, so that a phrator, more distant than a father's brother, would inherit in preference to the children of a sister of the decedent. Descent is shown to have been in the male line, and the property must remain hereditary in the gens. It will be noticed that the father did not inherit from his son, nor the grandfather from his grandson. In this respect and in nearly all respects, the Mosaic law agrees with the law of the Twelve Tables. It affords a striking illustration of the uniformity of human experience, and of the growth of the same ideas in parallel lines in different races.

At a later day, the Levitical law established marriage upon a new basis independent of gentile law. It prohibited its occurrence within certain prescribed degrees of consanguinity and affinity, and declared it free beyond those degrees. This uprooted gentile usages in respect to marriage among the Hebrews; and it has now become the rule of Christian nations. Turning to the laws of Solon concerning inheritances, we find them substantially the same as those of Moses. From this coincidence, an inference arises that the antecedent usages, customs and institutions of the Athenians and Hebrews were much the same in relation to property. In the time of Solon, the third great rule of inheritance was fully established among the Athenians. The sons took the estate of their deceased father equally; but charged with the obligation of maintaining the daughters, and of apportioning them suitably on their marriage. If there were no sons, the daughters inherited equally. This created heiresses (ἐπίκληροι) by investing women with estates, who like the daughters of Zelophehad, would transfer the property, by their marriage, from their own gens to that of their husband. The same question came before Solon that had been brought before Moses, and was decided in the same way. To prevent the transfer of property from gens to gens by marriage, Solon enacted that the heiress should marry her nearest male agnate, although they belonged to[Pg 549] the same gens, and marriage between them had previously been prohibited by usage. This became such a fixed rule of Athenian law, that M. De Coulanges, in his original and suggestive work, expresses the opinion that the inheritance passed to the agnate, subject to the obligation of marrying

the heiress.524 Instances occurred where the nearest agnate, already married, put away his wife in order to marry the heiress, and thus gain the estate. Protomachus, in the Eubulides of Demosthenes, is an example.525 But it is hardly supposable that the law compelled the agnate to divorce his wife and marry the heiress, or that he could obtain the estate without becoming her husband. If there were no children, the estate passed to the agnates, and in default of agnates, to the gentiles of the deceased owner. Property was retained within the gens as inflexibly among the Athenians as among the Hebrews and the Romans. Solon turned into a law what, probably, had before become an established usage.

The progressive growth of the idea of property is illustrated by the appearance of testamentary dispositions established by Solon. This right was certain of ultimate adoption; but it required time and experience for its development. Plutarch remarks that Solon acquired celebrity by his law in relation to testaments, which before that was not allowed; but the property and homestead must remain in the gens (γένει) of the decedent. When he permitted a person to devise his own property to any one he pleased, in case he had no children, he honored friendship more than kinship, and made property the rightful possession of the owner.526 This law recognized the absolute individual ownership of property by the person while living, to which was [Pg 550]now superadded the power of disposing of it by will to whomsoever he pleased, in case he had no children; but the gentile right to the property remained paramount so long as children existed to represent him in the gens. Thus at every point we meet the evidence that the great principles, which now govern society, were elaborated step by step, proceeding in sequences, and tending invariably in the same upward direction. Although several of these illustrations are drawn from the period of civilization, there is no reason for supposing that the laws of Solon were new creations independent of antecedents. They rather embodied in positive form those conceptions, in relation to property, which had gradually developed through experience, to the full measure of the laws themselves. Positive law was now substituted for customary law.

The Roman law of the Twelve Tables (first promulgated 449 B. C.)527 contain the rules of inheritance as then established. The property passed first to the children, equally with whom the wife of the decedent was a co-heiress; in default of children and descendants in the male line, it passed to

the agnates in the order of their nearness; and in default of agnates it passed to the gentiles.528 Here we find again, as the fundamental basis of the law, that the property must remain in the gens. Whether the remote ancestors of the Latin, Grecian and Hebrew tribes possessed, one after the other, the three great rules of inheritance under consideration, we have no means of knowing, excepting through the reversion. It seems a reasonable inference that inheritance was acquired in the inverse order of the law as it stands in the Twelve Tables; that inheritance by the gentiles preceded inheritance by the agnates, and that inheritance by the agnates preceded an exclusive inheritance by the children.

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During the Later Period of barbarism a new element, that of aristocracy, had a marked development. The individuality of persons, and the increase of wealth now possessed by individuals in masses, were laying the foundation of personal influence. Slavery, also, by permanently degrading a portion of the people, tended to establish contrasts of condition unknown in the previous ethnical periods. This, with property and official position, gradually developed the sentiment of aristocracy, which has so deeply penetrated modern society, and antagonized the democratical principles created and fostered by the gentes. It soon disturbed the balance of society by introducing unequal privileges, and degrees of respect for individuals among people of the same nationality, and thus became the source of discord and strife.

In the Upper Status of barbarism, the office of chief in its different grades, originally hereditary in the gens and elective among its members, passed, very likely, among the Grecian and Latin tribes, from father to son, as a rule. That it passed by hereditary right cannot be admitted upon existing evidence; but the possession of either of the offices of *archon*, *phylo-basileus*, or *basileus* among the Greeks, and of *princeps* and *rex* among the Romans, tended to strengthen in their families the sentiment of aristocracy. It did not, however, become strong enough to change essentially the democratic constitution of the early governments of these tribes, although it attained a permanent existence. Property and office were the foundations upon which aristocracy planted itself.

Whether this principle shall live or die has been one of the great problems with which modern society has been engaged through the intervening periods. As a question between equal rights and unequal rights, between

equal laws and unequal laws, between the rights of wealth, of rank and of official position, and the power of justice and intelligence, there can be little doubt of the ultimate result. Although several thousand years have passed away without the overthrow of privileged classes, excepting in the United[Pg 552] States, their burdensome character upon society has been demonstrated.

Since the advent of civilization, the outgrowth of property has been so immense, its forms so diversified, its uses so expanding and its management so intelligent in the interests of its owners, that it has become, on the part of the people, an unmanageable power. The human mind stands bewildered in the presence of its own creation. The time will come, nevertheless, when human intelligence will rise to the mastery over property, and define the relations of the state to the property it protects, as well as the obligations and the limits of the rights of its owners. The interests of society are paramount to individual interests, and the two must be brought into just and harmonious relations. A mere property career is not the final destiny of mankind, if progress is to be the law of the future as it has been of the past. The time which has passed away since civilization began is but a fragment of the past duration of man's existence; and but a fragment of the ages yet to come. The dissolution of society bids fair to become the termination of a career of which property is the end and aim; because such a career contains the elements of self-destruction. Democracy in government, brotherhood in society, equality in rights and privileges, and universal education, foreshadow the next higher plane of society to which experience, intelligence and knowledge are steadily tending. It will be a revival, in a higher form, of the liberty, equality and fraternity of the ancient gentes.

Some of the principles, and some of the results of the growth of the idea of property in the human mind have now been presented. Although the subject has been inadequately treated, its importance at least has been shown.

With one principle of intelligence and one physical form, in virtue of a common origin, the results of human experience have been substantially the same in all times and areas in the same ethnical status.

The principle of intelligence, although conditioned in its powers within narrow limits of variation, seeks ideal stand[Pg 553]ards invariably the same. Its operations, consequently, have been uniform through all the stages of human progress. No argument for the unity of origin of mankind can be

made, which, in its nature, is more satisfactory. A common principle of intelligence meets us in the savage, in the barbarian, and in civilized man. It was in virtue of this that mankind were able to produce in similar conditions the same implements and utensils, the same inventions, and to develop similar institutions from the same original germs of thought. There is something grandly impressive in a principle which has wrought out civilization by assiduous application from small beginnings; from the arrow head, which expresses the thought in the brain of a savage, to the smelting of iron ore, which represents the higher intelligence of the barbarian, and, finally, to the railway train in motion, which may be called the triumph of civilization.

It must be regarded as a marvelous fact that a portion of mankind five thousand years ago, less or more, attained to civilization. In strictness but two families, the Semitic and the Aryan, accomplished the work through unassisted self-development. The Aryan family represents the central stream of human progress, because it produced the highest type of mankind, and because it has proved its intrinsic superiority by gradually assuming the control of the earth. And yet civilization must be regarded as an accident of circumstances. Its attainment at some time was certain; but that it should have been accomplished when it was, is still an extraordinary fact. The hindrances that held mankind in savagery were great, and surmounted with difficulty. After reaching the Middle Status of barbarism, civilization hung in the balance while barbarians were feeling their way, by experiments with the native metals, toward the process of smelting iron ore. Until iron and its uses were known, civilization was impossible. If mankind had failed to the present hour to cross this barrier, it would have afforded no just cause for surprise. When we recognize the duration of man's existence upon the earth, the wide vicissitudes through which he has passed in savagery and in barbarism[Pg 554], and the progress he was compelled to make, civilization might as naturally have been delayed for several thousand years in the future, as to have occurred when it did in the good providence of God. We are forced to the conclusion that it was the result, as to the time of its achievement, of a series of fortuitous circumstances. It may well serve to remind us that we owe our present condition, with its multiplied means of safety and of happiness, to the struggles, the sufferings, the heroic exertions and the patient toil of our barbarous, and more

remotely, of our savage ancestors. Their labors, their trials and their successes were a part of the plan of the Supreme Intelligence to develop a barbarian out of a savage, and a civilized man out of this barbarian.

HOUSES AND HOUSE-LIFE OF THE AMERICAN ABORIGINES

BY LEWIS H. MORGAN

PREFACE.

The following work substantially formed the Fifth Part of the original manuscript of "Ancient Society," under the title "Growth of the Idea of House Architecture." As the manuscript exceeded the limits of a single volume, this portion (Part V) was removed, and having then no intention to publish it separately, the greater part of it found its way into print in detached articles. A summary was given to Johnson's New Universal Cyclopedia in the article on the "Architecture of the American Aborigines." The chapter on the "Houses of the Aztecs" formed the basis of the article entitled "Montezuma's Dinner," published in the North American Review, in April, 1876. Another chapter, that on the "Houses of the Mound Builders," was published in the same Review in July, 1876. Finally, the present year, at the request of the executive committee of the "Archaeological Institute of America," at Cambridge, I prepared from the same materials an article entitled "A Study of the Houses and House Life of the Indian Tribes," with a scheme for the exploration of the ruins in New Mexico, Arizona, the San Juan region, Yucatan, and Central America.

With some additions and reductions the facts are now presented in their original form, and as they will now have a wider distribution than the articles named have had, they will be new to most of my readers. The facts and suggestions made will also have the advantage of being presented in their proper connection. Thus additional strength is given to the argument as a whole. All the forms of this architecture sprang from a common mind, and exhibit, as a consequence, different stages of development of the same conceptions, operating upon similar necessities. They also represent these several conditions of Indian life with reasonable completeness. Their houses will be seen to form one system of works, from the Long House of the Iroquois to the Joint Tenement houses of adobe and of stone in New Mexico, Yucatan, Chiapas, and Guatemala, with such diversities as the different degrees of advancement of these several tribes would naturally

produce. Studied as one system, springing from a common experience, and similar wants, and under institutions of the same general character, they are seen to indicate a plan of life at once novel, original, and distinctive.

The principal fact, which all these structures alike show, from the smallest to the greatest, is that the family through these stages of progress was too weak an organization to face alone the struggle of life, and sought a shelter for itself in large households composed of several families. The house for a single family was exceptional throughout aboriginal America, while the house large enough to accommodate several families was the rule. Moreover, they were occupied as joint tenement houses. There was also a tendency to form these households on the principle of gentile kin, the mothers with their children being of the same gens or clan.

If we enter upon the great problem of Indian life with a determination to make it intelligible, their house life and domestic institutions must furnish the key to its explanation. These pages are designed as a commencement of that work. It is a fruitful, and, at present, but partially explored field. We have been singularly inattentive to the plan of domestic life revealed by the houses of the aboriginal period. Time and the influences of civilization have told heavily upon their mode of life until it has become so far modified, and in many cases entirely overthrown, that it must be taken up as a new investigation upon the general facts which remain. At the epoch of European discovery it was in full vitality in North and South America; but the opportunities of studying its principles and its results were neglected. As a scheme of life under established institutions, it was a remarkable display of the condition of mankind in two well marked ethnical periods, namely, the Older Period and the Middle Period of barbarism, the first being represented by the Iroquois and the second by the Aztecs, or ancient Mexicans. In no part of the earth were these two conditions of human progress so well represented as by the American Indian tribes. A knowledge of the culture and of the state of the arts of life in these periods is indispensable to a definite conception of the stages of human progress. From the laws which govern this progress, from the uniformity of their operation, and from the necessary limitations of the principle of intelligence, we may conclude that our own remote ancestors passed through a similar experience and possessed very similar institutions. In studying the condition of the Indian tribes in these periods we may recover

some portion of the lost history of our own race. This consideration lends incentive to the investigation.

The first chapter is a condensation of four in "Ancient Society," namely, those on the gens, phratry, tribe, and confederacy of tribes. As they formed a necessary part of that work, they become equally necessary to this. A knowledge of these organizations is indispensable to an understanding of the house life of the aborigines. These organizations form the basis of American ethnology. Although the discussion falls short of a complete explanation of their character and of their prevalence, it will give the reader a general idea of the organization of society among them.

We are too apt to look upon the condition of savage and of barbarous tribes as standing on the same plane with respect to advancement. They should be carefully distinguished as dissimilar conditions of progress. Moreover, savagery shows stages of culture and of progress, and the same is true of barbarism. It will greatly facilitate the study of the facts relating to these two conditions, through which mankind have passed in their progress to civilization, to discriminate between ethnical periods, or stages of culture both in savagery and in barbarism. The progress of mankind from their primitive condition to civilization has been marked and eventful. Each great stage of progress is connected, more or less directly, with some important invention or discovery which materially influenced human progress, and inaugurated an improved condition. For these reasons the period of savagery has been divided into three subperiods, and that of barbarism also into three, the latter of which are chiefly important in their relation to the condition of the Indian tribes. The Older Period of barbarism, which commences with the introduction of the art of pottery, and the Middle Period, which commences with the use of adobe brick in the construction of houses, and with the cultivation of maize and plants by irrigation, mark two very different and very dissimilar conditions of life. The larger portion of the Indian tribes fall within one or the other of these periods. A small portion were in the Older Period of savagery, and none had reached the Later Period of barbarism, which immediately precedes civilization. In treating of the condition of the several tribes they will be assigned to the particular period to which they severally belong under this classification.

I regret to add that I have not been able, from failing health, to give to this manuscript the continuous thought which a work of any kind should receive from its author. But I could not resist the invitation of my friend Major J. W.

Powell, the Director of the Bureau of Ethnology, to put these chapters together as well as I might be able, that they might be published by that Bureau. As it will undoubtedly be my last work, I part with it under some solicitude for the reason named; but submit it cheerfully to the indulgence of my readers.

I am greatly indebted to my friend Mr. J. C. Pilling, of the same Bureau, for his friendly labor and care in correcting the proof sheets, and for supervising the illustrations. Such favors are very imperfectly repaid by an author's thanks.

The late William W. Ely, M. D., LL. D., was, for a period of more than twenty-five years, my cherished friend and literary adviser, and to him I am indebted for many valuable suggestions, and for constant encouragement in my labors. The dedication of this volume to his memory is but a partial expression of my admiration of his beautiful character, and of my appreciation of his friendship.

LEWIS H. MORGAN

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HOUSES AND HOUSE-LIFE OF THE AMERICAN ABORIGINES.

CHAPTER I.

SOCIAL AND GOVERNMENTAL ORGANIZATION.

In a previous work I have considered the organization of the American aborigines in gentes, phratries, and tribes, with the functions of each in their social system. From the importance of this organization to a right understanding of their social and governmental life, a recapitulation of the principal features of each member of the organic series is necessary in this connection. [Footnote: "Ancient Society" or "Researches in the Lines of Human Progress from Savagery through Barbarism to Civilization." Henry Holt & Co. 1877.]

The gentile organization opens to us one of the oldest and most widely-prevalent institutions of mankind. It furnished the nearly universal plan of government of ancient society, Asiatic, European, African, American, and Australian. It was the instrumentality by means of which society was organized and held together. Commencing in savagery, and continuing through the three subperiods of barbarism, it remained until the establishment of political society, which did not occur until after civilization had Commenced. The Grecian gens, phratry, and tribe, the Roman gens, curia, and tribe find their analogues in the gens, phratry, and tribe of the American aborigines. In like manner the Irish sept, the Scottish clan, the phratra of the Albanians, and the Sanskrit ganas, without extending the comparison further, are the same as the American Indian gens, which has usually been called a clan. As far as our knowledge extends, this organization runs through the entire ancient world upon all the continents, and it was brought down to the historical period by such tribes as attained to civilization. Nor is this all. Gentile society wherever found is the same in structural organization and in principles of action; but changing from lower to higher forms with the progressive advancement of the people. These changes give the history of development of the same original conceptions.

THE GENS.

Gens, [Greek: genos], and gattas in Latin, Greek, and Sanskrit have alike the primary signification of kin. They contain the same element as gigno,

[Greek: gignouas], and ganaman, in the same languages, signifying to beget; thus implying in each an immediate common descent of the members of a gens. A gens, therefore, is a body of consanguinei descended from the same common ancestor, distinguished by a gentile name, and bound together by affinities of blood. It includes a moiety only of such descendants. Where descent is in the female line, as it was universally in the archaic period, the gens is composed of a supposed female ancestor and her children, together with the children of her female descendants, through females, in perpetuity; and where descent is in the male line—into which it was changed after the appearance of property in masses—of a supposed male ancestor and his children, together with the children of his male descendants, through males, in perpetuity. The family name among ourselves is a survival of the gentile name, with descent in the male line, and passing in the same manner. The modern family, as expressed by its name, is an unorganized gens, with the bond of kin broken, and its members as widely dispersed as the family name is found.

Among the nations named, the gens indicated a social organization of a remarkable character, which had prevailed from an antiquity so remote that its origin was lost in the obscurity of far distant ages. It was also the unit of organization of a social and governmental system, the fundamental basis of ancient society. This organization was not confined to the Latin, Grecian, and Sanskrit speaking tribes, with whom it became such a conspicuous institution. It has been found in other branches of the Aryan family of nations, in the Semitic, Uralian and Turanian families, among the tribes of Africa and Australia, and of the American aborigines.

The gens has passed through successive stages of development in its transition from its archaic to its final form with the progress of mankind. These changes were limited in the main to two, firstly, changing descent from the female line, which was the archaic rule, as among the Iroquois, to the male line, which was the final rule, as among the Grecian and Roman gentes; and, secondly, changing the inheritance of the property of a deceased member of the gens from his gentiles, who took it in the archaic period, first to his agnatic kindred, and finally to his children. These changes, slight as they may seem, indicate very great changes of condition as well as a large degree of progressive development.

The gentile organization, originating in the period of savagery, enduring through the three subperiods of barbarism, finally gave way, among the

more advanced tribes, when they attained civilization—the requirements of which it was unable to meet. Among the Greeks and Romans political society supervened upon gentile society, but not until civilization had commenced. The township (and its equivalent, the city ward), with its fixed property, and the inhabitants it contained, organized as a body politic, became the unit and the basis of a new and radically different system of government. After political society was instituted this ancient and time-honored organization, with the phratry and tribe developed from it, gradually yielded up their existence. It was under gentile institutions that barbarism was won by some of the tribes of mankind while in savagery, and that civilization was won by the descendants of some of the same tribes while in barbarism. Gentile institutions carried a portion of mankind from savagery to civilization.

This organization may be successfully studied both in its living and in its historical forms in a large number of tribes and races. In such an investigation it is preferable to commence with the gens in its archaic form I shall commence, therefore, with the gens as it now exists among the American aborigines, where it is found in its archaic form, and among whom its theoretical constitution and practical workings can be investigated more successfully than in the historical gentes of the Greeks and Romans. In fact, to understand fully the gentes of the latter nations a knowledge of the functions and of the rights, privileges, and obligations of the members of the American Indian gens is imperatively necessary.

In American ethnography tribe and clan have been used in the place of gens as equivalent terms from not perceiving the universality of the latter. In previous works, and following my predecessors, I have so used them. A comparison of the Indian clan with the gens of the Greeks and Romans reveals at once their identity in structure and functions. It also extends to the phratry and tribe. If the identity of these several organizations can be shown, of which there can be no doubt, there is a manifest propriety in returning to the Latin and Grecian terminologies, which are full and precise as well as historical.

The plan of government of the American aborigines commenced with the gens and ended with the confederacy, the latter being the highest point to which their governmental institutions attained. It gave for the organic series: first, the gens, a body of consanguinei having a common gentile name; second, the phratry, an assemblage of related gentes united in a higher

association for certain common objects; third, the tribe, an assemblage of gentes, usually organized in phratries, all the members of which spoke the same dialect; and fourth, a confederacy of tribes, the members of which respectively spoke dialects of the same stock language. It resulted in a gentile society (societas) as distinguished from a political society or state (civitas). The difference between the two is wide and fundamental. There was neither a political society, nor a citizen, nor a state, nor any civilization in America when it was discovered. One entire ethnical period intervened between the highest American Indian tribes and the beginning of civilization, as that term is properly understood.

The gens, though a very ancient social organization founded upon kin, does not include all the descendants of a common ancestor. It was for the reason that when the gens came in marriage between single pairs was unknown, and descent through males could not be traced with certainty. Kindred were linked together chiefly through the bond of their maternity In the ancient gens descent was limited to the female line. It embraced all such persons as traced their descent from a supposed common female ancestor, through females, the evidence of the fact being the possession of a common gentile name. It would include this ancestor and her children, the children of her daughters, and the children of her female descendants, through females, in perpetuity, while the children of her sons and the children of her male descendants, through males, would belong to other gentes, namely, those of their respective mothers. Such was the gens in its archaic form, when the paternity of children was not certainly ascertainable, and when their maternity afforded the only certain criterion of descents.

This state of descents which can be traced back to the Middle Status of savagery, as among the Australians, remained among the American aborigines through the Upper Status of savagery, and into and through the Lower Status of barbarism, with occasional exceptions. In the Middle Status of barbarism the Indian tribes began to change descent from the female line to the male, as die syndyasmian family of the period began to assume monogamian characteristics. In the Upper Status of barbarism descent had become changed to the male line among the Grecian tribes, with the exception of the Lycians, and among the Italian tribes, with the exception of the Etruscans. Between the two extremes, represented by the two rules of descent, three entire ethnical periods intervene, covering many thousands of years.

As intermarriage in the gens was prohibited, it withdrew its members from the evils of consanguine marriages, and thus tended to increase the vigor of the stock. The gens came into being upon three principal conceptions, namely, the bond of kin, a pure lineage through descent in the female line, and non-intermarriage in the gens. When the idea of a gens was developed, it would naturally have taken the form of gentes in pairs, because the children of the males were excluded, and because it was equally necessary to organize both classes of descendants. With two gentes started into being simultaneously the whole result would have been attained, since the males and females of one gens would marry the females and males of the other, and the children, following the gentes of their respective mothers, would be divided between them. Resting on the bond of kin as its cohesive principal the gens afforded to each individual member that personal protection which no other existing power could give.

After enumerating the rights, privileges, and obligations of its members, it will be necessary to follow the gens in its organic relations to a phratry tribe and confederacy, in order to find the uses to which it was applied, the privileges which it conferred, and the principles which it fostered. The gentes of the Iroquois will be taken as the standard exemplification of this institution in the Ganowaman family. They had carried their scheme of government from the gens to the confederacy, making it complete in each of its parts, and an excellent illustration of the capabilities of the gentile organization in its archaic form.

When discovered the Iroquois were in the Lower Status of barbarism, and well advanced in the arts of life pertaining to this condition. They manufactured nets, twine, and rope from filaments of bark, wove belts and burden straps, with warp and woof from the same materials, they manufactured earthen vessels and pipes from clay mixed with silicious materials and hardened by fire, some of which were ornamented with rude medallions, they cultivated maize, beans, squashes, and tobacco in garden beds, and made unleavened bread from pounded maize, which they boiled in earthen vessels, [Footnote: These loaves or cakes were about six inches in diameter and an inch thick] they tanned skins into leather, with which they manufactured kilts leggins, and moccasins, they used the bow and arrow and war-club as their principal weapons, used flint-stone and bone implements, wore skin garments, and were expert hunters and fishermen They constructed long joint tenement houses large enough to accommodate

five, ten, and twenty families, and each household practiced communism in living, but they were unacquainted with the use of stone or adobe brick in house architecture, and with the use of the native metals. In mental capacity and in general advancement they were the representative branch of the Indian family north of New Mexico General F A. Walker has sketched their military career in two paragraphs "The career of the Iroquois was simply terrific. They were the scourge of God upon the continent." [Footnote: North American Review April No. 1873 p. 360 Note.] From lapse of time the Iroquois tribes have come to differ slightly in the number and in the names of their respective gentes, the largest number being eight, as follows:

Seneca Cayuga Onondaga Oneida Mohawks Tuscarora 1
Wolf Wolf Wolf Wolf Wolf Gray Wolf 2 Bear Bear Bear Bear
Bear Bear 3 Turtle Turtle Turtle Turtle Turtle Great Turtle 4
Beaver Beaver Beaver Beaver 5 Deer Deer Deer Yellow Wolf 6
Snipe Snipe Snipe Snipe 7 Heron Eel Eel Eel 8 Hawk Hawk
Ball Little Turtle

These changes show that certain gentes in some of the tribes have become extinct through the vicissitudes of time, and that others have been formed by the segmentation of over full gentes.

With a knowledge of the rights, privileges, and obligations of the members of a gens, its capabilities as the unit of a social and governmental system will be more fully understood, as well as the manner in which it entered into the higher organizations of the phratry tribe, and confederacy.

The gens is individualized by the following rights, privileges, and obligations conferred and imposed upon its members, and which made up the jus gentilicium:

I The right of electing its sachem and chiefs
II The right of deposing its sachem and chiefs
III The obligation not to marry in the gens
IV Mutual rights of inheritance of the property of deceased members
V Reciprocal obligations of help, defense, and redress of injuries

VI The right of bestowing names upon its members
VII The right of adopting strangers into the gens
VIII Common religious rites
IX A common burial place.
X A council of the gens

These functions and attributes gave vitality as well as individuality to the organization and protected the personal rights of its members. Such were the rights, privileges, and obligations of the members of an Iroquois gens; and such were those of the members of the gentes of the Indian tribes generally, as far as the investigation has been carried.

For a detailed exposition of these characteristics the reader is referred to Ancient Society, pp. 72-85.

All the members of an Iroquois gens were personally free, and they were bound to defend each other's freedom; they were equal in privileges and in personal rights, the sachem and chiefs claiming no superiority; and they were a brotherhood bound together by the ties of kin. Liberty, equality, and fraternity, though never formulated, were cardinal principles of the gens. These facts are material, because the gens was the unit of a social and governmental system, the foundation upon which Indian society was organized. A structure composed of such units would of necessity bear the impress of their character, for as the unit so the compound. It serves to explain that sense of independence and personal dignity universally an attribute of Indian character.

Thus substantial and important in the social system was the gens as it anciently existed among the American aborigines, and as it still exists in full vitality in many Indian tribes. It was the basis of the phratry, of the tribe, and of the confederacy of tribes.

At the epoch of European discovery the American Indian tribes generally were organized in gentes, with descent in the female line. In some tribes, as among the Dakotas, the gentes had fallen out; in others, as among the Ojibwas, the Omahas, and the Mayas of Yucatan, descent had been changed from the female to the male line. Throughout aboriginal America the gens took its name from some animal or inanimate object and never from a person. In this early condition of society the individuality of persons was lost in the gens. It is at least presumable that the gentes of the Grecian and Latin tribes were so named at some anterior period; but when they first

came under historical notice they were named after persons. In some of the tribes, as the Moki Village Indians of Arizona, the members of the gens claimed their descent from the animal whose name they bore—their remote ancestors having been transformed by the Great Spirit from the animal into the human form. The Crane gens of the Ojibwas have a similar legend. In some tribes the members of a gens will not eat the animal whose name they bear, in which they are doubtless influenced by this consideration.

With respect to the number of persons in a gens, it varied with the number of the gentes, and with the prosperity or decadence of the tribe. Three thousand Senecas divided equally among eight gentes would give an average of three hundred and seventy-five persons to a gens. Fifteen thousand Ojibwas divided equally among twenty-three gentes would give six hundred and fifty persons to a gens. The Cherokees would average more than a thousand to a gens. In the present condition of the principal Indian tribes the number of persons in each gens would range from one hundred to a thousand.

One of the oldest and most widely prevalent institutions of mankind, the gentes have been closely identified with human progress upon which they have exercised a powerful influence. They have been found in tribes in the Status of savagery, in the Lower, in the Middle, and in the Upper Status of barbarism on different continents, and in full vitality in the Grecian and Latin tribes after civilization had commenced. Every family of mankind, except the Polynesian, seems to have come under the gentile organization, and to have been indebted to it for preservation and for the means of progress. It finds its only parallel in length of duration in systems of consanguinity, which, springing up at a still earlier period, have remained to the present time, although the marriage usages in which they originated have long since disappeared.

From its early institution, and from its maintenance through such immense stretches of time, the peculiar adaptation of the gentile organization to mankind, while in a savage and in a barbarous state, must be regarded as abundantly demonstrated.

THE PHRATRY.

The phratry (phratria) is a brotherhood, as the term imports, and a natural growth from the organization into gentes. It is an organic union or

association of two or more gentes of the same tribe for certain common objects. These gentes were usually such as had been formed by the segmentation of an original gens.

The phratry existed in a large number of the tribes of the American aborigines, where it is seen to arise by natural growth, and to stand as the second member of the organic series, as among the Grecian and Latin tribes. It did not possess original governmental functions, as the gens tribe and confederacy possessed them but it was endowed with certain useful powers in the social system, from the necessity for some organization larger than a gens and smaller than a tribe and especially when the tribe was large. The same institution in essential features and in character, it presents the organization in its archaic form and with its archaic functions. A knowledge of the Indian phratry is necessary to an intelligent understanding of the Grecian and the Roman.

The eight gentes of the Seneca Iroquois tribe were reintegrated in two phratries as follows:

First Phratry
Gentes—1 Bear 2 Wolf 3 Beaver 4 Turtle
Second Phratry
Gentes—5 Deer 6 Snipe 7 Heron 8 Hawk

Each phratry (De da non da a yoh) is a brotherhood as this term also imports. The gentes in the same phratry are brother gentes to each other and cousin gentes to those of the other phratry. They are equal in grade, character, and privileges. It is a common practice of the Senecas to call the gentes of their own phratry brother gentes and those of the other phratry their cousin gentes, when they mention them in their relation to the phratries. Originally marriage was not allowed between the members of the same phratry but the members of either could marry into any gens of the other. This prohibition tends to show that the gentes of each phratry were subdivisions of an original gens and therefore the prohibition against marrying into a person's own gens had followed to its subdivisions. This restriction however was long since removed except with respect to the gens of the individual. A tradition of the Senecas affirms that the Bear and the Deer were the original gentes, of which the others were subdivisions. It is

thus seen that the phratry had a natural foundation in the kinship of the gentes of which it was composed. After their subdivision from increase of numbers there was a natural tendency to their reunion in a higher organization for objects common to them all. The same gentes are not constant in a phratry indefinitely, as appears from the composition of the phratries in the remaining Iroquois tribes. Transfers of particular gentes from one phratry to the other must have occurred when the equilibrium in their respective numbers was disturbed. It is important to know the simple manner in which this organization springs up, and the facility with which it is managed as a part of the social system of ancient society. With the increase of numbers in a gens, followed by local separation of its members, segmentation occurred, and the seceding portion adopted a new gentile name. But a tradition of their former unity would remain and become the basis of their reorganization in a phratry.

From the differences in the composition of the phratries in the several tribes it seems probable that the phratries are modified in their gentes at intervals of time to meet changes of condition. Some gentes prosper and increase in numbers, while others, through calamities, decline, and others become extinct; so that transfers of gentes from one phratry to another were found necessary to preserve some degree of equality in the number of phrators in each. The phratric organization has existed among the Iroquois from time immemorial. It is probably older than the confederacy which was established more than four centuries ago. The amount of difference in their composition, as to the gentes they contain, represents the vicissitudes through which each tribe has passed in the interval. In any view of the matter it is small, tending to illustrate the permanence of the phratry as well as the gens.

The Iroquois tribes had a total of thirty-eight gentes, and in four of the tribes a total of eight phratries.

The phratry among the Iroquois was partly for social and partly for religious objects. Its functions and uses can be best shown by practical illustrations. We begin with the lowest, with games, which were of common occurrence at tribal and confederate councils. In the ball game, for example, among the Senecas, they play by phratries, one against the other, and they bet against each other upon the result of the game. Each phratry puts forward its best players, usually from six to ten on a side, and the members of each phratry assemble together, but upon opposite sides of the field in

which the game is played. Before it commences, articles of personal property are hazarded upon the result by members of the opposite phratries. These are deposited with keepers to abide the event. The game is played with spirit and enthusiasm, and is an exciting spectacle. The members of each phratry, from their opposite stations, watch the game with eagerness, and cheer their respective players at every successful turn of the game. [Footnote: League of the Iroquois, p. 294.]

Again, when a murder had been committed it was usual for the gens of the murdered person to meet in council, and, after ascertaining the facts, to take measures for avenging the deed. The gens of the criminal also held a council, and endeavored to effect an adjustment or condonation of the crime with the gens of the murdered person; but it often happened that the gens of the criminal called upon the other gentes of their phratry, when the slayer and the slain belonged to opposite phratries, to unite with them to obtain a condonation of the crime. In such a case the phratry held a council, and then addressed itself to the other phratry, to which it sent a delegation with a belt of white wampum asking for a council of the phratry and for an adjustment of the crime. They offered reparation to the family and gens of the murdered person in expressions of regret and in presents of value. Negotiations were continued between the two councils until an affirmative or a negative conclusion was reached. The influence of a phratry composed of several gentes would be greater than that of a single gens; and by calling into action the opposite phratry the probability of a condonation would be increased, especially if there were extenuating circumstances. We may thus see how naturally the Grecian phratry, prior to civilization, assumed the principal though not exclusive management of cases of murder, and also of the purification of the murderer if he escaped punishment, and after the institution of political society with what propriety the phratry assumed the duty of prosecuting the murderer in the courts of justice.

At the funerals of persons of recognized importance in the tribe the phratric organization manifested itself in a conspicuous manner The phrators of the decedent in a body were the mourners, and the members of the opposite phratry conducted the ceremonies. At the funeral of Handsome Lake (Ga-ne-o-di'-yo), one of the eight Seneca sachems (which occurred some years ago), there was an assemblage of sachems and chiefs to the number of twenty-seven, and a large concourse of members of both phratries The customary address to the dead body, and the other addresses

before the removal of the body, were made by members of the opposite phratry After the addresses were concluded the body was borne to the grave by persons selected from the last named phratry, followed, first, by the sachems and chiefs, then by the family and gens of the decedent, next by his remaining phrators, and last by the members of the opposite phratry After the body had been deposited in the grave the sachems and chiefs formed in a circle around it for the purpose of filling it with earth. Each in turn, commencing with the senior in years, cast in three shovelfuls, a typical number in their religious system, of which the first had relation to the Great Spirit, the second to the Sun, and the third to Mother Earth When the grave was filled the senior sachem, by a figure of speech, deposited "the horns" of the departed sachem, emblematic of his office, upon the top of the grave over his head, there to remain until his successor was installed In that subsequent ceremony "the horns" were said to be taken from the grave of the deceased ruler and placed upon the head of his successor The social and religious functions of the phratry, and its naturalness in the organic system of ancient society, are rendered apparent by this single usage.

The phratry was also directly concerned in the election of sachems and chiefs of the several gentes, upon which they had a negative as well as a confirmative vote After the gens of a deceased sachem had elected his successor, or had elected a chief of the second grade, it was necessary, as elsewhere stated, that their choice should be accepted and confirmed by each phratry It was expected that the gentes of the same phratry would confirm the choice almost as a matter of course, but the opposite phratry also must acquiesce, and from this source opposition sometimes appeared A council of each phratry was held and pronounced upon the question of acceptance or rejection. If the nomination made was accepted by both it became complete, but if either refused it was thereby set aside and a new election was made by the gens. When the choice made by the gens had been accepted by the phratries it was still necessary, as before stated, that the new sachem, or the new chief, should be invested by the council of the confederacy, which alone had power to invest with office.

The phratry was without governmental functions in the strict sense of the phrase, these being confined to the gens tribe and confederacy; but it entered into their social affairs with large administrative powers, and would have concerned itself more and more with their religious affairs as the condition of the people advanced. Unlike the Grecian phratry and the

Roman curia, it had no official head. There was no chief of the phratry as such, and no religious functionaries belonging to it as distinguished from the gene and tribe. The phratric institution among the Iroquois was in its rudimentary archaic form; but it grew into life by natural and inevitable development, and remained permanent because it met necessary wants Every institution of mankind which attained permanence will be found linked with a perpetual want. With the gens tribe and confederacy in existence the presence of the phratry was substantially assured. It required time, however, and further experience to manifest all the uses to which it might be made subservient.

Among the Village Indians of Mexico and Central America the phratry must have existed, reasoning upon general principles, and have been a more fully developed and influential organization than among the Iroquois Unfortunately mere glimpses at such an institution are all that can be found in the teeming narratives of the Spanish writers within the first century after the Spanish conquest. The four "lineages" of the Tlascalans who occupied the four quarters of the pueblo of Tlascalan were, in all probability, so many phratries. They were sufficiently numerous for four tribes, but as they occupied the same pueblo and spoke the same dialect the phratric organization was apparently a necessity. Each lineage or phratry, so to call it, had a distinct military organization, a peculiar costume and banner, and its head war-chief (Teuctli), who was its general military commander. They went forth to battle by phratries. The organization of a military force by phratries and by tribes was not unknown to the Homeric Greeks Thus, Nestor advised Agamemnon to "separate the troops by phratries and by tribes, so that phratry may support phratry and tribe" [Footnote: Illiad]

Under gentile institutions of the most advanced type the principle of kin became to a considerable extent the basis of the army organization. The Aztecs, in like manner occupied the pueblo of Mexico in four distinct divisions, the people of each of which were more nearly related to each other than to the people of the other divisions. They were separate lineages, like the Tlas-calan, and it seems highly probable were four phratries, separately organized as such They were distinguished from each—other by costumes and standards, and went out to war as separate divisions. Their geographical areas were called the four quarters of Mexico.

With respect to the prevalence of this organization among the Indian tribes in the Lower Status of barbarism the subject has been but slightly

investigated. It is probable that it was general in the principal tribes from the natural manner in which it springs up as a necessary member of the organic series, and from the uses, other than governmental, to which it was adapted.

In some of the tribes the phratries stand out prominently upon the face of their organization. Thus the Chocta gentes are united in two phratries which must be mentioned first in order to show the relation of the gentes to each other. The first phratry is called "Divided People," and contains four gentes. The second is called "Beloved People" and also contains four gentes. This separation of the people into two divisions by gentes created two phratries. Some knowledge of the functions of these phratries is of course desirable, but without it, the fact of their existence is established by the divisions themselves. The evolution of a confederacy from a pair of gentes—for less than two are never found in any tribe—may be deduced theoretically from the known facts of Indian experience. Thus the gens increases in the number of its members and divides into two these again subdivide and in time reunite in two or more phratries. These phratries form a tribe and its members speak the same dialect. In course of time this tribe falls into several by the process of segmentation, which in turn reunite in a confederacy. Such a confederacy is a growth, through the tribe and phratry, from a pair of gentes.

The Chickasas are organized in two phratries, of which one contains four and the other eight gentes, as follows:

I. Panther Phratry.

Gentes. Wild Cat 2. Bird. 3. Fish. 4. Deer.

II. Spanish Phratry.

Gentes—5. Raccoon. 6. Spanish. 7. Royal. 8. Hush-ko'-ni. 9. Squirrel 10. Alligator. 11 Wolf. 12. Blackbird.

A very complete illustration of the manner in which phratries are formed by natural growth through the subdivision of gentes is presented by the organization of the Mohegan tribe. It had three original gentes, the Wolf, the Turtle, and the Turkey.

Each of these subdivided, and the subdivisions became independent gentes; but they retained the names of the original gentes as their respective phratric names In other words, the subdivisions of each gens reorganized in a phratry. It proves conclusively the natural process by which in course of time a gens breaks up into several, and these remain united in a phratric

organization, which is expressed by assuming a phratric name. They are as follows:

I. Wolf Phratry

Gentes. 1. Wolf 2. Bear 3. Dog. 4 Opossum.

II. Turtle Phratry

Gentes—5 Little Turtle. 6. Mud Turtle. 7. Great Turtle 8. Yellow Eel.

III. Turkey Phratry

Gentes—9. Turkey 10. Crane 11. Chicken 12.

It is thus seen that the original Wolf gens divided into four gentes, the Turtle into four, and the Turkey into three. Each new gens took a new name, the original retaining its own, which became by seniority that of the phratry. It is rare among the American Indian tribes to find such plain evidence of the segmentation of gentes in their external organization, followed by the formation into phratries of their respective subdivisions. It shows also that the phratry is founded upon the kinship of the gentes. As a rule, the name of the original gens out of which others had formed is not known; but in each of these cases it remains as the name of the phratry. Since the latter, like the Grecian, was a social and religious rather than a governmental organization, it is externally less conspicuous than a gens or tribe, which were essential to the government of society. The name of but one of the twelve Athenian phratries has come down to us in history. Those of the Iroquois had no name but that of a brotherhood.

The phratry also appears among the Thlinkits of the Northwest coast upon the surface of their organization into gentes. They have two phratries, as follows:

I. Wolf Phratry.

Gentes. 1. Bear 2. Eagle. 3. Dolphin. 4. Shark. 5. Alca.

II. Raven Phratry.

Gentes. 6. Frog. 7. Goose. 8. Sea-lion. 9. Owl. 10. Salmon.

Intermarriage in the phratry is prohibited, which shows of itself that the gentes of each phratry were derived from an original gens. The members of any gens in the Wolf phratry could marry into any gens of the opposite phratry, and vice versa.

From the foregoing facts the existence of the phratry is established in several linguistic stocks of the American aborigines. Its presence in the tribes named raises a presumption of its general prevalence in the Ganowanian family. Among the Village Indians, where the numbers in a

gens and tribe were greater, it would necessarily have been more important, and consequently more fully developed. As an institution it was still in its archaic form, but it possessed the essential elements of the Grecian and the Roman.

THE TRIBE.

It is difficult to describe an Indian tribe by the affirmative elements of its composition. Nevertheless it is clearly marked, and is the ultimate organization of the great body of the American aborigines. The large number of independent tribes into which they had fallen by the natural process of segmentation is the striking characteristic of their condition. Each tribe was individualized by a name, by a separate dialect, by a supreme government, and by the possession of a territory which it occupied and defended as its own. The tribes were as numerous as the dialects, for separation did not become complete until dialectical variation had commenced. Indian tribes, therefore, are natural growths through the separation of the same people in the area of their occupation, followed by divergence of speech, segmentation, and independence.

The exclusive possession of a dialect and of a territory has led to the application of the term nation to many Indian tribes, notwithstanding the fewness of the people in each. Tribe and nation, however, are not strict equivalents. A nation does not arise, under gentile institutions, until the tribes united under the same government have coalesced into one people, as the four Athenian tribes coalesced in Attica, three Dorian tribes at Sparta, and three Latin and Sabine tribes at Rome. Federation requires independent tribes in separate territorial areas; but coalescence unites them by a higher process in the same area, although the tendency to local separation by gentes and by tribes would continue. The confederacy is the nearest analogue of the nation, but not strictly equivalent. Where the gentile organization exists, the organic series gives all the terms which are needed for a correct description.

An Indian tribe is composed of several gentes, developed from two or more, all the members of which are intermingled by marriage, and all of whom speak the same dialect. To a stranger the tribe is visible, and not the gens. The instances are extremely rare, among the American aborigines, in

which the tribe embraced peoples speaking different dialects. When such cases are found it has resulted from the union of a weaker with a stronger tribe speaking a closely related dialect, as the union of the Missouris with the Otoet, after the overthrow of the former. The fact that the great body of the aborigines were found in independent tribes illustrates the slow and difficult growth of the idea of government under gentile institutions. A small portion only had attained to the ultimate stage known Among them, that of a confederacy of tribes speaking dialects of the same stock language. A coalescence of tribes into a nation had not occurred in any case in any part of America.

A constant tendency to disintegration, which has proved such a hindrance to progress among savage and barbarous tribes, existed in the elements of the gentile organization. It was aggravated by a further tendency to divergence of speech, which was inseparable from their social state and the large areas of their occupation. An oral language, although remarkably persistent in its vocables, and still more persistent in its grammatical forms, is incapable of permanence. Separation of the people in area was followed in time by variation in speech; and this, in turn, led to separation in interests and ultimate independence. It was not the work of a brief period, but of centuries of time, aggregating finally into thousands of years; and the multiplication of the languages and dialects of the different families of North and South America probably required for their formation the time measured by three ethnical periods.

New tribes, as well as new gentes, were constantly forming by natural growth, and the process was sensibly accelerated by the great expanse of the American continent. The method was simple. In the first place there would occur a gradual outflow of people from some overstocked geographical center, which possessed superior advantages in the means of subsistence. Continued from year to year, a considerable population would thus be developed at a distance from the original seat of the tribe In course of time the emigrants would become distinct in interests, strangers in feeling, and, last of all, divergent in speech. Separation and independence would follow, although their territories were contiguous. A new tribe was thus created. This is a concise statement of the manner in which the tribes of the American aborigines were formed, but the statement must be taken as general. Repeating itself from age to age in newly acquired as well as in old areas, it must be regarded as a natural as well as inevitable result of the

gentile organization, united with the necessities of their condition. When increased numbers pressed upon the means of subsistence, the surplus removed to a new seat, where they established themselves with facility, because the government was perfect in every gens, and in any number of gentes united in a band. Among the Village Indians the same thing repeated itself in a slightly different manner. When a village became overcrowded with numbers, a colony went up or down on the same stream and commenced a new village. Repeated at intervals of time, several such villages would appear, each independent of the other and a self-governing body, but united in a league or confederacy for mutual protection. Dialectic variation would finally spring up, and thus complete their growth into tribes.

The manner in which tribes are evolved from each other can be shown directly by examples. The fact of separation can be derived in part from tradition, in part from the possession by each of a number of the same gentes, and deduced in part from the relations of their dialects. Tribes formed by the subdivisions of an original tribe would possess a number of gentes in common, and speak dialects of the same language. After several centuries of separation they would still have a number of the same gentes. Thus the Hurons, now Wyandots, have six gentes of the same name with six of the gentes of the Seneca-Iroquois, after at least four hundred years of separation. The Potawattamies have eight gentes of the same name with eight among the Ojibwas, while the former have six, and the latter fourteen, which are different, showing that new gentes have been formed in each tribe by segmentation since their separation. A still older offshoot from the Ojibwas, or from the common parent tribe of both, the Miamis, have but three gentes in common with the former, namely, the Wolf, the Loon, and the Eagle. The minute social history of the tribes of the Ganowanian family is locked up in the life and growth of the gentes. If investigation is ever turned strongly in this direction, the gentes themselves would become reliable guides, in respect to the order of separation from each other of the tribes of the same stock.

This process of subdivision has been operating among the American aborigines for thousands of years, until several hundred tribes have been developed from about seventy stocks as existing in as many families of language. Their experience, probably was but a repetition of that of the

tribes of Asia, Europe, and Africa when they were in corresponding conditions.

From the preceding observations it is apparent that an American Indian tribe is a very simple as well as humble organization. It required but a few hundred, and, at most, a few thousand people to form a tribe and place it in a respectable position in the Ganowanian family.

It remains to present the functions and attributes of an Indian tribe, which are contained in the following propositions:

I The possession of a territory and a name

II The exclusive possession of a dialect

III The right to invest sachems and chiefs elected by the gentes.

IV The right to depose these sachems and chiefs

V The possession of a religious faith and worship

VI A supreme government consisting of a council of chiefs

VII A head-chief of the tribe in some instances

For a discussion of these characteristics of a tribe, reference is made to Ancient Society, pp. 113-118.

The growth of the idea of government commenced with the organization into gentes in savagery. It reveals three great stages of progressive development between its commencement and the institution of political society after civilization had been attained. The first stage was the government of a tribe by a council of chiefs elected by the gentes. It may be called a government of one power, namely the council. It prevailed generally among tribes in the Lower Status of barbarism. The second stage was a government co-ordinated between a council of chiefs and a general military commander, one representing the civil and the other the military functions. This second form began to manifest itself in the Lower Status of barbarism after confederacies were formed, and it became definite in the Middle Status. The office of general, or principal military commander, was the germ of that of a chief executive magistrate, the king, the emperor, and the president. It may be called a government of two powers, namely, the council of chiefs and the general. The third stage was the government of a people or nation by a council of chiefs an assembly of the people, and a general military commander. It appeared among the tribes who had attained to the Upper Status of barbarism, such, for example, as the Homeric Greeks and the Italian tribes of the period of Romulus. A Large increase in the number of people united in a nation, their establishment in walled cities,

and the creation of wealth in lands and in flocks and herds, brought in the assembly of the people as an instrument of government. The council of chiefs, which still remained, found it necessary, no doubt, through popular constraint, to submit the most important public measures to an assembly of the people for acceptance or rejection; whence the popular assembly. This assembly did not originate measures. It was its function to adopt or reject, and its action was final. From its first appearance it became a permanent power in the government. The council no longer passed important public measures, but became a preconsidering council, with power to originate and mature public acts to which the assembly alone could give validity. It may be called a government of three powers, namely, the preconsidering council, the assembly of the people, and the general. This remained until the institution of political society, when, for example, among the Athenians, the council of chiefs became the senate, and the assembly of the people the ecclesia or popular assembly. The same organizations have come down to modern times in the two houses of Parliament, of Congress, and of legislatures. In like manner the office of general military commander, as before stated, was the germ of the office of the modern chief executive magistrate.

Recurring to the tribe, it was limited in the numbers of the people, feeble in strength, and poor in resources; but yet a completely organized society. It illustrates the condition of mankind in the Lower Status of barbarism. In the Middle Status there was a sensible increase of numbers in a tribe, and an improved condition, but with a continuance of gentile society without essential change. Political society was still impossible from want of advancement. The gentes organized into tribes remained as before, but confederacies must have been more frequent. In some areas, as in the Valley of Mexico, large numbers were developed under a common government, with improvements in the arts of life, but no evidence exists of the overthrow among them of gentile society and the substitution of political. It is impossible to found a political society or a state upon gentes. A state must rest upon territory and not upon persons, upon the township as the unit of a political system, and not upon the gens, which is the unit of a social system. It required time and a vast experience, beyond that of the American Indian tribes, as a preparation for such a fundamental change of systems. It also required men of the mental stature of the Greeks and Romans, and with the experience derived from a long chain of ancestors, to devise and gradually

introduce that new plan of government under which civilized nations are living at the present time.

THE CONFEDERACY OF TRIBES

A tendency to confederate for mutual defense would very naturally exist among kindred and contiguous tribes. When the advantages of a union had been appreciated by actual experience, the organization, at first a league, would gradually cement into a federal unity. The state of perpetual warfare in which they lived would quicken this natural tendency into action among such tribes as were sufficiently advanced in intelligence and in the arts of life to perceive its benefits. It would be simply a growth from a lower into a higher organization by an extension of the principle which united the gentes in a tribe.

As might have been expected, several confederacies existed in different parts of North America when discovered, some of which were quite remarkable in plan and structure. Among the number may be mentioned the Iroquois Confederacy of five independent tribes, the Creek Confederacy of six, the Ottawa Confederacy of three, the Dakota League of the "Seven Council Fires," the Moki Confederacy in New Mexico of Seven Pueblos, and the Aztec Confederacy of three tribes in the Valley of Mexico. It is probable that the Village Indians in other parts of Mexico, in Central and in South America were quite generally organized in confederacies consisting of two or more kindred tribes. Progress necessarily took this direction from the nature of their institutions and from the law governing their development. Nevertheless the formation of a confederacy out of such materials and with such unstable geographical relations was a difficult undertaking. It was easiest of achievement by the Village Indians from the nearness to each other of their pueblos and from the smallness of their areas; but it was accomplished in occasional instances by tribes in the Lower Status of barbarism, and notably by the Iroquois. Wherever a confederacy was formed it would of itself evince the superior intelligence of the people.

The two highest examples of Indian confederacies in North America were those of the Iroquois and of the Aztecs. From their acknowledged superiority as military powers, and from their geographical positions, these

confederacies in both cases produced remarkable results. Our knowledge of the structure and principles of the former is definite and complete, while of the latter it is far from satisfactory. The Aztec Confederacy has been handled in such a manner historically as to leave it doubtful whether it was simply a league of three kindred tribes, offensive and defensive, or a systematic confederacy like that of the Iroquois. That which is true of the latter was probably in a general sense true of the former, so that a knowledge of one will tend to elucidate the other.

The conditions under which confederacies spring into being and the principles on which they are formed are remarkably simple. They grow naturally with time out of pre-existing elements. Where one tribe had divided into several, and these subdivisions occupied independent but contiguous territories, the confederacy reintegrated them in a higher organization on the basis of the common gentes they possessed and of the affiliated dialects they spoke. The sentiment of kin embodied in the gens, the common lineage of the gentes, and their dialects, still mutually intelligible, yielded the material elements for a confederation. The confederacy, therefore, had the gentes for its basis and center, and stock language for its circumference. No one has been found that reached beyond the bounds of the dialects of a common language. If this natural barrier had been crossed it would have forced heterogeneous elements into the organization. Cases have occurred where the remains of a tribe, not cognate in speech, as the Natchez, [Footnote: They were admitted into the Creek Confederacy after their overthrow by the French.] have been admitted into an existing confederacy, but this exception would not invalidate the general proposition. It was impossible for an Indian power to arise upon the American continent through a confederacy of tribes organized in gentes, and advance to a general supremacy, unless their numbers were developed from their own stock. The multitude of stock languages is a standing explanation of the failure. There was no possible way of becoming connected on equal terms with a confederacy excepting through membership in a gens and tribe and a common speech.

The Iroquois have furnished an excellent illustration of the manner in which a confederacy is formed by natural growth assisted by skillful legislation. Originally emigrants from beyond the Mississippi, and possibly a branch of the Dakota stock, they first made their way to the valley of the St. Lawrence and settled themselves near Montreal. Forced to leave this

region by the hostility of surrounding tribes, they sought the central region of New York. Coasting the eastern shore of Lake Ontario in canoes, for their numbers were small, they made their first settlement at the mouth of the Oswego River, where, according to their traditions, they remained for a long period of time. They were then in at least three distinct tribes, the Mohawks, the Onondagas, and the Senecas. One tribe subsequently established themselves at the head of the Canandaigua Lake and became the Senecas. Another tribe occupied the Onondaga Valley and became the Onondagas. The third passed eastward and settled first at Oneida, near the site of Utica, from which place the main portion removed to the Mohawk Valley and became the Mohawks. Those who remained became the Oneidas. A portion of the Onondagas or Senecas settled along the eastern shore of the Cayuga Lake and became the Cayugas. New York, before its occupation by the Iroquois, seems to have been a part of the area of the Algonkin tribes. According to Iroquois traditions, they displaced its anterior inhabitants as they gradually extended their settlements eastward to the Hudson and westward to the Genesee. Their traditions further declare that a long period of time elapsed after their settlement in New York before the confederacy was formed, during which they made common cause against their enemies, and thus experienced the advantages of the federal principle both for aggression and defense. They resided in villages, which were usually surrounded with stockades, and subsisted upon fish and game and the products of a limited horticulture. In numbers they did not at any time exceed 20,000 souls, if they ever reached that number. Precarious subsistence and incessant warfare repressed numbers in all the aboriginal tribes, including the Village Indians as well. The Iroquois were enshrouded in the great forests which then overspread New York, against which they had no power to contend. They were first discovered A. D. 1608. About 1675 they attained their culminating point, when their dominion reached over an area remarkably large, covering the greater parts of New York, Pennsylvania, and Ohio, and portions of Canada north of Lake Ontario. [Footnote: About 1651-1655 they expelled their kindred tribes, the Eries, from the region between the Genesee River and Lake Erie, and shortly afterwards the Neutral Nations from the Niagara River, and thus came into possession of the remainder of New York, with the exception of the Lower Hudson and Long Island.]

At the time of their discovery they were the highest representatives of the red race north of New Mexico in intelligence and advancement, though perhaps inferior to some of the Gulf tribes in the arts of life. In the extent and quality of their mental endowments they must be ranked among the highest Indians in America. There are over six thousand Iroquois in New York, besides scattered bands in other parts of the United States, and a still larger number in Canada; thus illustrating the efficiency as well as persistency of the arts of barbarous life in sustaining existence. It is, moreover, now ascertained that they are slowly increasing.

When the confederacy was formed, about A. D. 1400-1450, the conditions previously named were present. [Footnote: The Iroquois claimed that it had existed from one hundred and fifty to two hundred years when they first saw Europeans. The generations of sachems in the history by David Cusick (a Tuscarora) would make it more ancient. Schoolcraft's History, Condition and Prospects of the Indian Tribes, 5, p. 631.]

The Iroquois were in five independent tribes, occupied territories contiguous to each other, and spoke dialects of the same language which were mutually intelligible. Beside these facts, certain gentes were common in the several tribes, as has been shown. In their relations to each other, as separated parts of the same gens, these common gentes afforded a natural and enduring basis for a confederacy. With these elements existing, the formation of a confederacy became a question of intelligence and skill. Other tribes in large numbers were standing in precisely the same relations in different parts of the continent without confederating. The fact that the Iroquois tribes accomplished the work affords evidence of their superior capacity. Moreover, as the confederacy was the ultimate stage of organization among the American aborigines, its existence would be expected in the most intelligent tribes only.

It is affirmed by the Iroquois that the confederacy was formed by a council of wise men and chiefs of the five tribes which met for that purpose on the north shore of Onondaga Lake, near the site of Syracuse; and that before its session was concluded the organization was perfected and set in immediate operation. At their periodical councils for raising up sachems they still explain its origin as the result of one protracted effort of legislation. It was probably a consequence of a previous alliance for mutual defense, the advantages of which they had perceived and which they sought to render permanent.

The origin of the plan is ascribed to a mythical, or, at least, traditionary person, Ha-yo-went-ha, the Hiawatha of Longfellow's celebrated poem, who was present at this council and the central person in its management. In his communications with the council he used a wise man of the Onondagas, Da-ga-no-we'-da, as an interpreter and speaker to expound the structure and principles of the proposed confederacy. The same tradition further declares that when the work was accomplished Ha-yo-went-ha miraculously disappeared in a white canoe, which arose with him in the air and bore him out of their sight. Other prodigies, according to this tradition, attended and signalized the formation of the confederacy, which is still celebrated among them as a masterpiece of Indian wisdom. Such in truth it was; and it will remain in history as a monument of their genius in developing gentile institutions. It will also be remembered as an illustration of what tribes of mankind have been able to accomplish in the art of government while in the Lower Status of barbarism, and under the disadvantages this condition implies.

Which of the two persona was the founder of the confederacy it is difficult to determine. The silent Ha-yo-went'-ha was, not unlikely, a real person of Iroquois lineage, but tradition has enveloped his character so completely in the supernatural that he loses his place among them as one of their number. If Hiawatha were a real person, Da-ga-no-we'-da must hold a subordinate place; but if a mythical person invoked for the occasion, then to the latter belongs the credit of planning the confederacy. [Footnote: My friend Horatio Hale, the eminent philologist, came, as he informed me, to this conclusion]

The Iroquois affirm that the confederacy, as formed by this council, with its powers, functions, and mode of administration, has come down to them through many generations to the present time with scarcely a change in its internal organization. When the Tuscaroras were subsequently admitted, their sachems were allowed by courtesy to sit as equals in the general council, but the original number of sachems was not increased, and in strictness those of the Tuscaroras formed no part of the ruling body.

The general features of the Iroquois Confederacy may be summarized in the following propositions:

I. The Confederacy was a union of Five Tribes, composed of common gentes, under one government on the basis of equality; each Tribe remaining independent in all matters pertaining to local self-government.

II. It created a General Council of Sachems, who were limited in number, equal in rank and authority, and invested with supreme powers over all matters pertaining to the Confederacy.

III. Fifty Sachemships were created and named in perpetuity in certain gentes of the several Tribes; with power in these gentes to fill vacancies, as often as they occurred, by election from among their respective members, and with the further power to depose from office for cause; but the right to invest these Sachems with office was reserved to the General Council.

IV. The Sachems of the Confederacy were also Sachems in their respective Tribes, and with the Chiefs of these Tribes formed the Council of each, which was supreme over all matters pertaining to the Tribe exclusively.

V. Unanimity in the Council of the Confederacy was made essential to every public act.

VI. In the General Council the Sachems voted by Tribes, which gave to each Tribe a negative upon the others.

VII. The Council of each Tribe had power to convene the General Council; but the latter had no power to convene itself.

VIII. The General Council was open to the orators of the people for the discussion of public questions; but the Council alone decided.

IX. The Confederacy had no chief Executive Magistrate or official head.

X. Experiencing the necessity for a General Military Commander, they created the office in a dual form, that one might neutralize the other. The two principal War-chiefs created were made equal in powers.

These several propositions will be considered and illustrated, but without following the precise form or order in which they are stated.

At the institution of the confederacy fifty permanent sachemships were created and named, and made perpetual in the gentes to which they were assigned. With the exception of two, which were filled but once, they have been held by as many different persons in succession as generations have passed away between that time and the present. The name of each sachemship is also the personal name of each sachem while he holds the office each one in succession taking the name of his predecessor. These sachems, when in session, formed the council of the confederacy in which the legislative, executive, and judicial powers were vested, although such a discrimination of functions had not come to be made. To secure order in the succession, the several gentes in which these offices were made hereditary

were empowered to elect successors from among their respective members when vacancies occurred as elsewhere explained. As a further measure of protection to their own body, each sachem, after his election and its confirmation, was invested with his office by a council of the confederacy. When thus installed his name was "taken away" and that of the sachemship was bestowed upon him. By this name he was afterwards known among them. They were all upon equality in rank authority, and privileges.

These sachemships were distributed unequally among the five tribes; but without giving to either a preponderance of power; and unequally among the gentes of the last three tribes. The Mohawks had nine sachems, the Oneidas nine, the Onondagas fourteen, the Cayugas ten, and the Senecas eight. This was the number at first, and it has remained the number to the present time. A table of these sachemships, founded at the institution of the Confederacy with the names which have been borne by their sachems in succession from its formation to the present time, is subjoined, with their names in the Seneca dialect, and their arrangement in classes to facilitate the attainment of unanimity in council. In foot-notes will be found the signification of these names, and the gentes to which they belonged: [Footnote: These names signify as follows:]

Table of sachemships of the Iroquois.

MOHAWKS.

One.

1. Da-go-e'-o-ge. [Footnote: "Neutral," or "The Shield."]
2. Ho-yo-went'-ha. [Footnote: "Man who Combs."]
3. Da-go-no-we'-do. [Footnote: "Inexhaustible."]

Two.

4. So-o-e-wo'-ah. [Footnote: "Small Speech."]
5. Da-yo'-ho-go. [Footnote: "At the Forks."]
6. O-o-o'-go-wo. [Footnote: "At the Great River."]

Three.

7. Da-an-no-go'-e-neh. [Footnote: "Dragging His Horns."]
8. So-da'-go-e-wo-deh. [Footnote: "Even Tempered."]
9. Hos-do-weh'-se-ont-ho. [Footnote: "Hanging up Rattles."

Thee sachems in class One belonged to the Turtle gens, in class Two to the Wolf gens, and in class Three to the Bear gens.]

ONEDIAS.

One.

1. Ho-dos'-ho-the. [Footnote: "A man bearing a Burden."]
2. Ga-no-gweh'-yo-do. [Footnote: "A Man covered in Cat-tail Down."]
3. Da-yo-ho'-gwen-da. [Footnote: "Opening through the Woods."]

Two.

4. So-no-sase'. [Footnote: "A Long String."]
5. To-no-o-ge-o. [Footnote: "A Man with a Headache."]
6. Ho-de-o-dun-nent'-ho. [Footnote: "Swallowing Himself."]

Three.

7. Da-wo-do'-o-do-yo. [Footnote: "Place of the Echo."]
8. Go-ne-o-dus'-ha-yeh. [Footnote: "War-clubs on the Ground."]
9. Ho-wus'-ho-da-o. [Footnote: "A man Steaming Himself."
   The sachems in the first class belong to Wolf gens,
   in the second the Turtle gens, and in the third to
   the Bear gens.]

ONONDAGAS.

One.

1. To-do-do'-ho. [Footnote: "Tangled," Bear gens.]
2. To-nes'-sa-ah.
3. Da-ot'-ga-dose. [Footnote: "On the Watch,"
   Bear gens. This sachem and the one before him were
   hereditary councillors of the To-do-do'-ho, who
   held the most illustrious sachemship.]

Two.

4. Go-neo-do'-je-wake. [Footnote: "Bitter Body," Snipe gens.]
5. Ah-wo'-ga-yat. [Footnote: Turtle gens.]
6. Da-o-yat'-gwo-e. [Footnote: Not ascertained.]

Three.

7. Ho-no-we-ne-to. [Footnote: This sachem was hereditary
   keeper of the wampum; Wolf gens.]

Four.

8. Go-we-ne'-san-do. [Footnote: Deer gens]
9. Ho-e'-ho. [Footnote: Deer gens]
10. Ho-yo-ne-o'-ne. [Footnote: Turtle gens]
11. Sa-do'-kwo-seh. [Footnote: Bear gens]

Five.

12. So-go-ga-ho'. [Footnote: "Having a Glimpse," Deer gens.]
13. Ho-sa-ho'-do. [Footnote: "Large Mouth," Turtle gens.]
14. Sko-no'-wun-de. [Footnote: "Over the Creek" Turtle gens.]

CAYUGAS.

One.

1. Da-go'-ne-yo. [Footnote: "Man Frightened," Deer gens.]
2. Da-je-no'-do-web-o. [Footnote: Heron gens.]
3. Go-do-gwa-sa. [Footnote: Bear gens.]
4. So-yo-wase. [Footnote: Bear gens.]
5. Ho-de-os'yo-no. [Footnote: Turtle gens.]

Two.

6. Da-yo-o-yo'go. [Footnote: Not ascertained.]
7. Jote-ho-weh'-ko. [Footnote: "Very Cold," Turtle gens.]
8. De-o-wate'-ho. [Footnote: Heron gens.]

Three.

9. To-do-e-ho'. [Footnote: Snipe gens.]
10. Des-go'-heh. [Footnote: Snipe gens.]

SENECAS.

One.

1. Ga-ne-o-di'-yo. [Footnote: "Handsome Lake," Turtle gens.]
2. So-do-go'-o-yase. [Footnote: "Level Heavens," Snipe gens.]

Two.

3. Go-no-gi'-e. [Footnote: Turtle gens.]
4. So-geh'-jo-wo. [Footnote: "Great Forehead." Hawk gens.]

Three.

5. So-de-a-no'-wus. [Footnote: "Assistant," Bear gens.]
6. Nis-ho-ne-a'-nent. [Footnote: "Falling Day," Snipe gens.]

Four.

7. Go-no-go-e-do'-we. [Footnote: "Hair Burned Off." Snipe gens.]
8. Do-ne-ho-go'-weh. [Footnote: "Open Door," Wolf gens.]

Two of these sachemships have been filled but once since their creation. Ho-yo-went'-ho and Da-go-no-we'-da consented to take the office among the Mohawk sachems, and to leave their names in the list upon condition that after their demise the two should remain thereafter vacant. They were installed upon these terms, and the stipulation has been observed to the present day. At all councils for the investiture of sachems their names are

still called with the others as a tribute of respect to their memory. The general council, therefore, consisted of but forty-eight members.

Each sachem had an assistant sachem, who was elected by the gens of his principal from among its members, and who was installed with the same forms and ceremonies. He was styled an "aid." It was his duty to stand behind his superior on all occasions of ceremony, to act as his messenger, and in general to be subject to his directions. It gave to the aid the office of chief and rendered probable his election as the successor of his principal after the decease of the latter. In their figurative language these aids of the sachems were styled "Braces in the Long House," which symbolized the confederacy.

The names bestowed upon the original sachems became the names of their respective successors in perpetuity. For example, upon the demise of Go-ne-o-di'-yo, one of the eight Seneca sachems, his successor would be elected by the Turtle gens in which this sachemship was hereditary, and when raised up by the general council he would receive this name, in place of his own, as a part of the ceremony. On several different occasions I have attended their councils for raising up sachems both at the Onondaga and Seneca reservations, and witnessed the ceremonies herein referred to. Although but a shadow of the old confederacy now remains, it is fully organized with its complement of sachems and aids, with the exception of the Mohawk tribe, which removed to Canada about 1775. Whenever vacancies occur their places are filled, and a general council is convened to install the new sachems and their aids. The present Iroquois are also perfectly familiar with the structure and principles of the ancient confederacy.

For all purposes of tribal government the five tribes were independent of each other. Their territories were separated by fixed boundary lines, and their tribal interests were distinct. The eight Seneca sachems, in conjunction with the other Seneca chiefs, formed the council of the tribe by which its affairs were administered, leaving to each of the other tribes the same control over their separate interests. As an organization the tribe was neither weakened nor impaired by the confederate compact. Each was in vigorous life within its appropriate sphere, presenting some analogy to our own States within an embracing Republic. It is worthy of remembrance that the Iroquois commended to our forefathers a union of the colonies similar to their own as early as 1755. They saw in the common interests and common

speech of the several colonies the elements for a confederation, which was as far as their vision was able to penetrate.

The tribes occupied positions of entire equality in the confederacy in rights, privileges, and obligations. Such special immunities as were granted to one or another indicate no intention to establish an unequal compact or to concede unequal privileges. There were organic provisions apparently investing particular tribes with superior power; as, for example, the Onondagas were allowed fourteen sachems and the Senecas but eight; and a larger body of sachems would naturally exercise a stronger influence in council than a smaller. But in this case it gave no additional power, because the sachems of each tribe had an equal voice in forming a decision, and a negative upon the others. When in council they agreed by tribes, and unanimity in opinion was essential to every public act. The Onondagas were made "Keepers of the Wampum," and "Keepers of the Council Brand," the Mohawks "Receivers of Tribute" from subjugated tribes, and the Senecas "Keepers of the Door" of the Long House. These and some other similar provisions were made for the common advantage.

The cohesive principle of the confederacy did not spring exclusively from the benefits of an alliance for mutual protection, but had a deeper foundation in the bond of kin. The confederacy rested upon the tribes ostensibly, but primarily upon common gentes. All the members of the same gens, whether Mohawks, Oneidas, Onondagas, Cayugas, or Senecas, were brothers and sisters to each other in virtue of their descent from the same common ancestor, and they recognized each other as such with the fullest cordiality. When they met, the first inquiry was the name of each other's gens, and next the immediate pedigree of their respective sachems; after which they were usually able to find, under their peculiar system of consanguinity the relationship in which they stood to each other. [Footnote: The children of brothers are themselves brothers and sisters to each other; the children of the latter were also brothers and sisters, and so downwards indefinitely. The children and descendants of sisters are the same. The children of a brother and sister are cousins; the children of the latter are cousins, and so downwards indefinitely. A knowledge of the relationships to each other of the members of the same gens is never lost.]

Three of the gentes—namely, the Wolf, Bear, and Turtle—were common to the five tribes; these and three others were common to three tribes. In effect, the Wolf gens, through the division of an original tribe into five, was

now in five divisions, one of which was in each tribe. It was the same with the Bear and the Turtle gentes. The Deer, Snipe, and Hawk gentes were common to the Senecas, Cayugas, and Onondagas. Between the separated parts of each gens, although its members spoke different dialects of the same language, there existed a fraternal connection which linked the nations together with indissoluble bonds. When the Mohawk of the Wolf gens recognized an Oneida, Onondaga, Cayuga, or Seneca of the same gens as a brother, and when the members of the other divided gentes did the same, the relationship was not ideal, but a fact founded upon consanguinity, and upon faith in an assured lineage older than their dialects and coeval with their unity as one people. In the estimation of an Iroquois every member of his gens, in whatever tribe, was as certainly a kinsman as an own brother. This cross relationship between persons of the same gens in the different tribes is still preserved and recognized among them in all its original force. It explains the tenacity with which the fragments of the old confederacy still cling together. If either of the five tribes had seceded from the confederacy it would have severed the bond of kin, although this would have been felt but slightly. But had they fallen into collision it would have turned the gens of the Wolf against their gentile kindred, Bear against Bear; in a word, brother against brother. The history of the Iroquois demonstrates the reality as well as persistency of the bond kin, and the fidelity with which it was respected. During the long period through which the confederacy endured they never fell into anarchy nor ruptured the organization.

The "Long House" (Ho-de'-no-sote) was made the symbol of the confederacy, and they styled themselves the "People of the Long House" (Ho-e'-no-sau-nee). [Footnote: The Long House was not peculiar to the Iroquois, but used by many other tribes, as the Powhattan Indians of Virginia, the Nyacks of Long Island, and other tribes.]

This was the name, and the only name, with which they distinguished themselves. The confederacy produced a gentile society more complex than that of a single tribe, but it was still distinctively a gentile society. It was, however, a stage of progress in the direction of a nation, for nationality is reached under gentile institutions. Coalescence is the last stage in this process. The four Athenian tribes coalesced in Attica into a nation by the intermingling of the tribes in the same area, and by the gradual disappearance of geographical lines between them. The tribal names and organizations remained in full vitality as before, but without the basis of an

independent territory. When political society was instituted on the basis of the deme or township, and all the residents of the deme became a body politic, irrespective of their gens or tribe, the coalescence became complete.

The coalescence of the Latin and Sabrae gentes into the Roman people and nation was a result of the same processes. In all alike the gens, phratry and tribe were the first three stages of organization. The confederacy followed as the fourth. But it does not appear, either among the Grecian or Latin tribes in the Later Period of barbarism, that it became more than a loose league for offensive and defensive purposes. Of the nature and details of organization of the Grecian and Latin confederacies our knowledge is limited and imperfect, because the facts are buried in the obscurity of the traditionary period. The process of coalescence arises later than the confederacy in gentile society; but it was a necessary as well as a vital stage of progress by means of which the nation, the state, and political society were at last attained. Among the Iroquois tribes it had not manifested itself.

The valley of Onondaga, as the seat of the central tribe, and the place where the Council Brand was supposed to be perpetually burning, was the usual though not the exclusive place for holding the councils of the confederacy. In ancient times it was summoned to convene in the autumn of each year but public exigencies often rendered its meetings more frequent. Each tribe had power to summon the council, and to appoint the time and place of meeting at the council house of either tribe, when circumstances rendered a change from the usual place at Onondaga desirable. But the council had no power to convene itself.

Originally the principal object of the council was to raise up sachems to fill vacancies in the ranks of the ruling body occasioned by death or deposition; but it transacted all other business which concerned the common welfare. In course of time, as they multiplied in numbers and their intercourse with foreign tribes became more extended, the council fell into three distinct kinds, which may be distinguished as Civil, Mourning, and Religious. The first declared war and made peace, sent and received embassies, entered into treaties with foreign tribes, regulated the affairs of subjugated tribes, and took all needful measures to promote the general welfare. The second raised up sachems and invested them with office. It received the name of Mourning Council because the first of its ceremonies was the lament for the deceased ruler whose vacant place was to be filled. The third was held for the observance of a general religious festival. It was

made an occasion for the confederated tribes to unite under the auspices of a general council in the observance of common religions rites; but as the Mourning Council was attended with many of the same ceremonies it came in time to answer for both. It is now the only council they hold, as the civil powers of the confederacy terminated with the supremacy over them of the state.

When the sachems met in council at the time and place appointed, and the usual reception ceremony had been performed, they arranged themselves in two divisions and seated themselves upon opposite sides of the council-fire. Upon one side were the Mohawk, Onondaga, and Seneca sachems. The tribes they represented were, when in council, brother tribes to each other and father tribes to the other two. In like manner their sachems were brothers to each other and fathers to those opposite. They constituted a phratry of tribes and of sachems, by an extension of the principle which united gentes in a phratry. On the opposite side of the fire were the Oneida and Cayuga and at a later day the Tuscarora sachems. The tribes they represented were brother tribes to each other and son tribes to the opposite three. Their sachems also were brothers to each other, and sons of those in the opposite division. They formed a second tribal phratry. As the Oneidas were a subdivision of the Mohawks, and the Cayugas a subdivision of the Onondagas or Senecas, they were in reality junior tribes; whence their relation of seniors and juniors, and the application of the phratric principle. When the tribes are named in council the Mohawks, by precedence, are mentioned first. Their tribal epithet was "The Shield" (Da-go-e-o'-do). The Onondagas came next, under the epithet of "Name-Bearer" (Ho-de-san-no'-ge-to), because they had been appointed to select and name the fifty original sachems. Next in the order of precedence were the Senecas, under the epithet of "Door-Keeper" (Ho-nan-ne-ho'-ont). They were made perpetual keepers of the western door of the Long House. The Oneidas, under the epithet of "Great Tree" (Ne-ar'-de-on dar'-go-war), and the Cayugas, under that of "Great Pipe" (So-nus'-ho-gwar-to-war), were named fourth and fifth. The Tuscaroras, who came late into the confederacy, were named last, and had no distinguishing epithet. Forms, such as these, were more important in ancient society than we would be apt to suppose.

Unanimity among the sachems was required upon all public questions, and essential to the validity of every public act. It was a fundamental law of the confederacy. They adopted a method for ascertaining the opinions of the

members of the council which dispensed with the necessity of casting votes. Moreover, they were entirely unacquainted with the principle of majorities and minorities in the action of councils. They voted in council by tribes, and the sachems of each tribe were required to be of one mind to form a decision. Recognizing unanimity as a necessary principle, the founders of the confederacy divided the sachems of each tribe into classes as a means for its attainment. This will be seen by consulting the table (supra, p 30). No sachem was allowed to express an opinion in council in the nature of a vote until he had first agreed with the sachem or sachems of his class upon the opinion to be expressed, and had been appointed to act as speaker for the class. Thus the eight Seneca sachems being in four classes, could have but four opinions, and the ten Cayuga sachems, being in the same number of classes, could have but four. In this manner the sachems in each class were first brought to unanimity among themselves. A cross-consultation was then held between the four sachems appointed to speak for the four classes; and when they had agreed they designated one of their number to express their resulting opinion, which was the answer of their tribe. When the sachems of the several tribes had, by this ingenious method, become of one mind separately, it remained to compare their several opinions, and if they agreed the decision of the council was made. If they failed of agreement the measure was defeated and the council was at an end. The five persons appointed to express the decision of the five tribes may possibly explain the appointment and the functions of the six electors, so called, in the Aztec confederacy.

By this method of gaining assent the equality and independence of the several tribes were recognized and preserved. If any sachem was obdurate or unreasonable, influences were brought to bear upon him, through the preponderating sentiment, which he could not well resist, so that it seldom happened that inconvenience or detriment resulted from their adherence to the rule. Whenever all efforts to procure unanimity had failed, the whole matter was laid aside because further action had become impossible.

Under a confederacy of tribes the office of general, "Great War Soldier," (Hos-go-o-geh'-da-go-wo), makes its first appearance. Cases would now arise when the several tribes in their confederate capacity would be engaged in war, and the necessity for a general commander to direct the movements of the united bands would be felt. The introduction of this office as a permanent feature in the government was a great event in the history of

human progress. It was the beginning of a differentiation of the military from the civil power, which, when completed, changed essentially the external manifestation of the government; but even in later stages of progress, when the military spirit predominated, the essential character of the government was not changed. Gentilism arrested usurpation. With the rise of the office of general, the government was gradually changed from a government of one power into a government of two powers. The functions of government became, in course of time, co-ordinated between the two. This new office was the germ of that of a chief executive magistrate for out of the general came the king, the emperor, and the president, as elsewhere suggested. The office sprang from the military necessities of society and had a logical development.

When the Iroquois confederacy was formed, or soon after that event two permanent war-chiefships were created and named, and both were assigned to the Seneca tribe. One of them (Ta-wan'-ne-ars, signifying needle-breaker) was made hereditary in the Wolf, and the other (So-no'-so-wo, signifying great oyster shell) in the Turtle gens. The reason assigned for giving them both to the Senecas was the greater danger of attack at the west end of their territories. They were elected in the same manner as the sachems, were raised up by a general council, and were equal in rank and power. Another account states that they were created later. They discovered immediately after the confederacy was formed that the structure of the Long House was incomplete, because there were no officers to execute the military commands of the confederacy. A council was convened to remedy the omission, which established the two perpetual war-chiefs named. As general commanders they had charge of the military affairs of the confederacy and the command of its joint forces when united in a general expedition. Governor Blacksnake, recently deceased, held the office first named, thus showing that the succession has been regularly maintained. The creation of two principal war-chiefs instead of one, and with equal powers, argues a subtle and calculating policy to prevent the domination of a single man even in their military affairs. They did without experience precisely as the Romans did in creating two consuls instead of one, after they had abolished the office of rex. Two consuls would balance the military power between them, and prevent either from becoming supreme. Among the Iroquois this office never became influential.

In Indian ethnography the subjects of primary importance are the gens, phratry, tribe, and confederacy. They exhibit the organization of society. Next to these are the tenure and functions of the office of sachem and chief, the functions of the council of chiefs, and the tenure and functions of the office of principal war-chief. When these are ascertained the structure and principles of their governmental system will be known. A knowledge of their usages and customs, of their arts and inventions, and of their plan of life will then fill out the picture. In the work of American investigators too little attention has been given to the former. They still afford a rich field in which much information may be gathered. Our knowledge, which is now general, should be made minute and comparative. The Indian tribes in the Lower and in the Middle Status of barbarism represent two of the great stages of progress from savagery to civilization. Our own remote forefathers passed through the same conditions, one after the other, and possessed, there can scarcely be a doubt, the same, or very similar institutions, with many of the same usages and customs. However little we may be interested in the American Indians personally, their experience touches us more nearly, as an exemplification of the experience of our own ancestors. Our primary institutions root themselves in a prior gentile society in which the gens, phratry, and tribe were the organic series, and in which the council of chiefs was the instrument of government. The phenomena of their ancient society must have presented many points in common with that of the Iroquois and other Indian tribes. This view of the matter lends an additional interest to the study of comparative institutions of mankind.

The Iroquois confederacy is an excellent exemplification of a gentile society under this form of organization. It seems to realize all the capabilities of gentile institutions in the Lower Status of barbarism, leaving an opportunity for further development, but no subsequent plan of government until the institutions of political society, founded upon territory and upon property, with the establishment of which the gentile organization would be overthrown. The intermediate stages were transitional, remaining military democracies to the end, except where tyrannies founded upon usurpation were temporarily established in their places. The confederacy of the Iroquois was essentially democratic, because it was composed of gentes each of which was organized upon the common principles of democracy, not of the highest but of the primitive type; and because the tribes reserved the right of local self-government. They conquered other tribes and held

them in subjection, as for example the Delawares; but the latter remained under the government of their own chiefs, and added nothing to the strength of the confederacy. It was impossible in this state of society to unite tribes under one government who spoke different languages, or to hold conquered tribes under tribute with any benefit but the tribute.

This exposition of the Iroquois confederacy is far from exhaustive of the facts, but it has been carried far enough to answer my present object. The Iroquois were a vigorous and intelligent people, with a brain approaching in volume the Aryan average. Eloquent in oratory, vindictive in war, and indomitable in perseverance, they have gained a place in history. If their military achievements are dreary with the atrocities of savage warfare, they have illustrated some of the highest virtues of mankind in their relations with each other. The confederacy which they organized must be regarded as a remarkable production of wisdom and sagacity. One of its avowed objects was peace—to remove the cause of strife by uniting their tribes under one government, and then extending it by incorporating other tribes of the same name and lineage. They urged the Eries and the Neutral Nation to become members of the confederacy, and for their refusal expelled them from their borders. Such an insight into the highest objects of government is creditable to their intelligence. Their numbers were small, but they counted in their ranks a large number of able men. This proves the high grade of the stock.

[Footnote: For the prevalence of the organization into gentes or clans among the Indian tribes, see Ancient Society, ch. vi. Since the publication of that work the same organization has been found by Mr. Bandelier by personal exploration among the Pueblo tribes in New Mexico, who speak the Queris language, among whom his work thus far has been confined. Descent is in the female line. The same indefatigable student has found very satisfactory evidence of the same organization among the ancient Mexicans. (See article on "The Social Organization and Mode of Government of the Ancient Mexicans," Peabody Museum, Twelfth Annual Report, p. 576.) He has also found additional evidence of the same organization among the Sedentary Tribes in Central America. It seems highly probable that this organization was anciently universal among the tribes in the Ganowanian family.]

CHAPTER II.

THE LAW OF HOSPITALITY AND ITS GENERAL PRACTICE.

When America was discovered in its several parts the Indian tribes were found in dissimilar conditions. The least advanced tribes were without the art of pottery, and without horticulture, and were, therefore, in savagery. But in the arts of life they were advanced as far as is implied by its Upper Status, which found them in possession of the bow and arrow. Such were the tribes in the Valley of the Columbia, in the Hudson Bay Territory, in parts of Canada, California, and Mexico, and some of the coast tribes of South America. The use of pottery, and the cultivation of maize and plants, were unknown among them. They depended for subsistence upon fish, bread, roots, and game. The second class were intermediate between them and the Village Indians. They subsisted upon fish and game and the products of a limited horticulture, and were in the Lower Status of barbarism. Such were the Iroquois, the New England and Virginia Indians, the Creeks, Cherokees, and Choctaws, the Shawnees, Miamis, Mandans, Minmtarees, and other tribes of the United States east of the Missouri River, together with certain tribes of Mexico and South America in the same condition of advancement. Many of them lived in villages, some of which were stockaded, but village life was not as distinctive and common among them as it was among the most advanced tribes. The third class were the Village Indians proper, who depended almost exclusively upon horticulture for subsistence, cultivating maize and plants by irrigation. They constructed joint tenement houses of adobe bricks and of stone, usually more than one story high. Such were the tribes of New Mexico, Mexico, Central America, and upon the plateau of the Andes. These tribes were in the Middle Status of barbarism.

The weapons, arts, usages, and customs, inventions, architecture, institutions, and form of government of all alike bear the impress of a common mind, and reveal, in their wide range, the successive stages of development of the same original conceptions. Our first mistake consisted in overrating the degree of advancement of the Village Indians, in comparison with that of the other tribes; our second in underrating that of the latter; from which resulted a third, that of separating one from the other,

and regarding them as different races. The evidence of their unity of origin has now accumulated to such a degree as to leave no reasonable doubt upon the question. The first two classes of tribes always held the preponderating power, at least in North America, and furnished the migrating bands which replenished the ranks of the Village Indians, as well as the continent, with inhabitants. It remained for the Village Indians to invent the process of smelting iron ore to attain to the Upper Status of barbarism, and, beyond that, to invent a phonetic alphabet to reach the first stage of civilization. One entire ethnical period intervened between the highest class of Indians and the beginning of civilization.

[Transcriber's Note: Lengthy footnote relocated to chapter end.]

It seems singular that the Village Indians, who first became possessed of maize, the great American cereal, and of the art of cultivation, did not rise to supremacy over the continent. With their increased numbers and more stable subsistence they might have been expected to extend their power and spread their migrating bands over the most valuable areas to the gradual displacement of the ruder tribes. But in this respect they signally failed. The means of sustaining life among the latter were remarkably persistent. The higher culture of the Village Indians, such as it was, did not enable them to advance, either in their weapons or in the art of war, beyond the more barbarous tribes, except as a superior house architecture tended to render their villages and their habitations impregnable to Indian assault. Moreover, in the art of government they had not been able to rise above gentile institutions and establish political society. This fact demonstrates the impossibility of privileged classes and of potentates, under their institutions, with power to enforce the labor of the people for the erection of palaces for their use, and explains the absence of such structures.

Horticulture and other domestic arts spread from the Village Indians to the tribes in the Lower Status of barbarism, and thus advanced them materially in their onward progress toward the higher condition of the Village Indians. Numerous tribes were thus raised out of savagery into barbarism by appropriating the arts of life of tribes above them. This process has been a constant phenomenon in the history of the human race. It is well illustrated in America, where the Red Race, one in origin and possessed of homogeneous institutions, were in three different ethnical conditions or stages of culture.

There are certain usages and customs of the Indian tribes generally which tend to explain their plan of life—their large households, their houses, and their house architecture. They deserve a careful consideration and even further investigation beyond the bounds of our present knowledge. The influence of American civilization has very generally broken up their old plan of life, and introduced a new one more analogous to our own. It has been much the same in Spanish America. The old usages and customs, in the particulars about to be stated, have now so far disappeared in their pure forms that their recovery is not free from difficulty. Those to be considered are the following:

I. The law of hospitality.

II. Communism in living.

III. The ownership of lands in common.

IV. The practice of having but one prepared meal each day—a dinner.

V. Their separation at meals, the men eating first and by themselves, and the women and children afterwards.

The discussion will be confined to the period of European discovery and to later periods while these practices remained. The object will be to show that these usages and customs existed among them when America was discovered in its several parts, and that they remained in practice for some time after these several periods.

THE LAW OF HOSPITALITY.

Among the Iroquois hospitality was an established usage. If a man entered an Indian house in any of their villages, whether a villager, a tribesman, or a stranger, it was the duty of the women therein to set food before him. An omission to do this would have been a discourtesy amounting to an affront. If hungry, he ate; if not hungry, courtesy required that he should taste the food and thank the giver. This would be repeated at every house he entered, and at whatever hour in the day. As a custom it was upheld by a rigorous public sentiment. The same hospitality was extended to strangers from their own and from other tribes. Upon the advent of the European race among them it was also extended to them. This characteristic of barbarous society, wherein food was the principal concern of life, is a remarkable fact. The law of hospitality, as administered by the American aborigines, tended to the final equalization of subsistence. Hunger and

destitution could not exist at one end of an Indian village or in one section of an encampment while plenty prevailed elsewhere in the same village or encampment. It reveals a plan of life among them at the period of European discovery which has not been sufficiently considered.

A singular illustration of the powerful influence of the custom upon the Indian mind came to my notice some years ago at the Seneca Reservation in New York. A Seneca chief, well to do in the world, with farm lands and domestic animals which afforded him a comfortable subsistence, had lost his wife by death, and his daughter, educated in the usages of civilized life, took the position of housekeeper. The old man, referring to the ancient custom, requested his daughter to keep the usual food constantly prepared ready to offer to any person who entered their house, saying that he did not wish to see this custom of their forefathers laid aside. Their changed condition, and particularly the adoption of the regular meals of civilized society, for the time of which the visitor might reasonably be expected to wait, did not in his mind outweigh the sanctity of the custom. [Footnote: William Parker was the chief named, a noble specimen of a Seneca Iroquois.]

In July, 1743, John Bartram made a journey from Philadelphia to Onondaga to attend, with Conrad Weisar, a council of the Onondaga, Mohawk, Oneida, and Cayuga chiefs. At Shamokin he quartered with a trader who had an Indian wife, and at a village of the Delawares. "As soon as we alighted," he remarks, "they showed us where to lay our luggage, and then brought us a bowl of boiled squashes, cold. This I then thought poor entertainment, but before I came back I had learned not to despise good Indian food. This hospitality is agreeable to the honest simplicity of ancient times, and is so persistently adhered to that not only what is already dressed is immediately set before a traveler, but the most pressing business is postponed to prepare the best they can get for him, keeping it as a maxim that he must always be hungry. Of this we found the good effects in the flesh and bread they got ready for us." [Footnote: Bartram's Observations, &c, London edition, 1751, p. 16.] We have here a perfect illustration among the Delawares of the Iroquois rule to set food before a person when he first entered the house. Although they had in this case nothing better than boiled squash to offer, it was done immediately, after which they commenced preparing a more substantial repast. Delaware and Iroquois usages were the same.

The council at Onondaga lasted two days, at the close of which they had each day a dinner in common. "This council [first day] was followed by a feast. After four o'clock we all dined together upon four great kettles of Indian-corn soup, which we emptied, and then every chief retired to his home…. The conference [second day] held till three, after which we dined. The repast consisted of three great kettles of Indian-corn soup, or thin hominy, with dried eels and other fish boiled in it, and one kettle full of young squashes and their flowers boiled in water, and a little meal mixed. This dish was but weak food. Last of all was served a great bowl-full of Indian dumplings made of new soft corn cut or scraped off the ear, with the addition of some boiled beans, lapped well in Indian-corn leaves. This is good hearty provision." [Footnote: Bartram's Journal p. 59.]

"Again," he remarks, "we prepared for setting forward, and many of the chiefs came once more to make their farewells. Some of them brought us provisions for our journey. We shook hands again and set out at nine." [Footnote: ib. p. 63]

One of the earliest notices of the hospitality of the Indian tribes of the United States was by the expedition of Philip Amidas and Arthur Barlow, under the auspices of Sir Walter Raleigh, which visited the Algonkin tribes of North Carolina in the summer of 1584. They landed at the Island of Wocoken, off Albemarle Sound, when "there came down from all parts great store of people," whose chief was Granganimeo. "He was very just of his promises, for oft we trusted him, and would come within his day to keep his word. He sent us commonly every day a brace of ducks, conies, hares, and fish, sometimes melons, walnuts, cucumbers, pease, and divers roots…. After this acquaintance, myself, with seven more, went thirty miles into the river Occam, that runneth toward the city Skicoack, and the evening following we came to an isle called Roanoak, from the harbor where we entered seven leagues: At the north end were nine houses, builded with cedar, fortified round with sharp trees [palisaded] and the entrance like a turnpike [turnspit]. When we came towards it, the wife of Granganimeo came running out to meet us (her husband was absent) commanding her people to draw our boat ashore for beating on the billows. Others she appointed to carry us on their backs aland, others to bring our oars into the house for stealing. When we came into the other room (for there were five in the house) she caused us to sit down by a great fire; and after took off our clothes and washed them, of some our stockins, and some our feet in warm

water, and she herself took much pains to see all things well ordered and to provide us victuals. After we had thus dried ourselves she brought us into an inner room, where she sat on the board standing along the house, somewhat like frumenty, sodden venison and roasted fish; in like manner melons raw, boiled roots, and fruits of divers kinds. Their drink is commonly water boiled with ginger, sometimes with sassafras, and wholesome herbs…. A more kind, loving people cannot be. Beyond this isle is the main land, and the great river Occam, on which standeth a town called Pomeiok." [Footnote: Smith's History of Virginia, &c. Reprint from London edition of 1627. Richmond edition, 1819, i, 83, 84. Amidas and Barlow's account is also in Hakluyt's Coll. of Voyages, iii, 301-7.]

This is about the first, if not the first, English picture we have of Indian life and of English and Indian intercourse in America. It is highly creditable to both parties; to the Indians for their unaffected kindness and hospitality, and to the English for their appreciation of both, and for the absence of any act of injustice. At the same time it was simply an application by the natives of their rules of hospitality among themselves to their foreign visitors, and not a new thing in their experience.

In the narrative of the expedition of Hernando de Soto to Florida in 1539, by a gentleman of Elvas, there are references to the customs of the Indian tribes of South Carolina, the Cherokees, Choctas, and Chickasas, and of some of the tribes west of the Mississippi, whom the expedition visited one after another. They are brief and incomplete, but sufficiently indicate the point we are attempting to illustrate. It was a hostile rather than a friendly visitation, and the naturally free hospitality of the natives was frequently checked and turned into enmity, but many instances of friendly intercourse are mentioned in this narrative. "The fourth of April the governor passed by a town called Altamaca, and the tenth of the month he came to Ocute. The cacique sent him two thousand Indians with a present, to wit, many conies and partridges, bread of maize, two hens and many dogs." [Footnote: Historical Collections of Louisiana, part ii. A Narrative of the Expedition of Hernando de Soto into Florida, by a Gentleman of Elvas, p. 139.]

Again: "Two leagues before he came to Chiaha, there met him fifteen Indians loaded with maize which the cacique had sent; and they told him on his behalf that he waited his coming with twenty barns full of it." [Footnote: 3 ib. p. 147.] "At Cora the chief commanded his Indians to void their houses, wherein the governor and his men were lodged. There was in the

barns and in the fields great store of maize and French beans. The country was greatly inhabited with many great towns and many sown fields which reached from one to the other". [Footnote: ib. p 152.]

After crossing the Mississippi, of which De Soto was the first discoverer, he "rested in Pacaha forty days, in all which time the two caciques served him with great store of fish, mantles, and skins, and strove who should do him greatest service". [Footnote: ib. p. 175.]

The justly celebrated Moravian missionary, John Heckewelder, obtained, through a long experience, an intimate acquaintance with the manners and customs of the Indian tribes. He was engaged in direct missionary labor, among the Delawares and Munsees chiefly, for fifteen years (1771-1786) on the Muskingum and Cuyahoga in Ohio, where, besides the Delawares and Munsees, he came in contact with Tuscaroras and other tribes of Iroquois lineage. He was conversant with the usages and customs of the Indian tribes of Pennsylvania and New York. His general knowledge justifies the title of his work, "History, Manners, and Customs of the Indian Nations, who once inhabited Pennsylvania and the neighboring States," and gives the highest credibility to his statements.

In discussing the general character of the Indians, he remarks as follows: "They think that he [the Great Spirit] made the earth and all that it contains for the common good of mankind; when he stocked the country that he gave them with plenty of game, it was not for the benefit of a few, but of all. Everything was given in common to the sons of men. Whatever liveth on the land, whatsoever groweth out of the earth, and all that is in the rivers and waters flowing through the same, was given jointly to all, and ever one is entitled to his share. From this principle hospitality flows as from its source. With them it is not a virtue, but a strict duty; hence they are never in search of excuses to avoid giving, but freely supply their neighbors' wants from the stock prepared for their own use. They give and are hospitable to all without exception, and will always share with each other and often with the stranger to the last morsel. They rather would lie down themselves on an empty stomach than have it laid to their charge that they had neglected their duty by not satisfying the wants of the stranger, the sick, or the needy. The stranger has a claim to their hospitality, partly on account of his being at a distance from his family and friends, and partly because he has honored them with his visit and ought to leave them with a good impression on his mind; the sick and the poor because they have a right to be helped out of the

common stock, for if the meat they have been served with was taken from the woods it was common to all before the hunter took it; if corn or vegetables, it had grown out of the common ground, yet not by the power of man, but by that of the Great Spirit." [Footnote: Heckewelder, Indian Nations, Philadelphia ed., 1876, p. 101]

This is a clear and definite statement of the principle of hospitality as it was observed by the Indian tribes at the epoch of their discovery, with the Indians' reasons on which the obligations rested. We recognize in this law of hospitality a conspicuous virtue of mankind in barbarism.

Lewis and Clarke refer to the usages of the tribes of the Missouri, which were precisely the same as those of the Iroquois. "It is the custom of all the nations on the Missouri," they remark, "to offer every white man food and refreshments when he first enters their tents". [Footnote: Travels, etc., London edition, 1814, p. 649.]

This was simply applying their rules of hospitality among themselves to their white visitors.

About 1837-1838 George Catlin wintered at the Mandan Village, on the Upper Missouri. He was an accurate and intelligent observer, and his work on the "Manners and Customs of the North American Indians" is a valuable contribution to American ethnography. The principal Mandan village, which then contained fifty houses and fifteen hundred people, was surrounded with a palisade. It was well situated for game, but they did not depend exclusively upon this source of subsistence. They cultivated maize, squashes, pumpkins, and tobacco in garden beds, and gathered wild berries and a species of turnip on the prairies. "Buffalo meat, however," says Mr. Catlin, "is the great staple and staff of life in this country, and seldom, if ever, fails to afford them an abundant means of subsistence."

* * * * *

"During the summer and fall months they use the meat fresh, and cook it in a great variety of ways—by roasting, broiling, boiling, stewing, smoking, &c., and, by boiling the ribs and joints with the marrow in them, make a delicious soup, which is universally used and in vast quantities. The Mandans, I find, have no regular or stated times for their meals, but generally eat about twice in the twenty-four hours. The pot is always boiling over the fire, and any one who is hungry, either from the household or from any other part of the village, has a right to order it taken off and to fall too, eating as he pleases. Such is an unvarying custom among the North

American Indians, and I very much doubt whether the civilized world have in their institutions any system which can properly be called more humane and charitable. Every man, woman, or child in Indian communities is allowed to enter any one's lodge, and even that of the chief of the nation, and eat when they are hungry, provided misfortune or necessity has drawn them to it. Even so can the poorest and most worthless drone of the nation, if he is too lazy to hunt or to supply himself; he can walk into any lodge, and every one will share with him as long as there is anything to eat. He, however, who thus begs when he is able to hunt, pays dear for his meat, for he is stigmatized with the disgraceful epithet of poltroon and beggar." [Footnote: Manners and Customs of the North American Indians, Hazard's edition, 1857, i, 200.] Mr. Catlin puts the case rather strongly when he turns the free hospitality of the household into a right of the guest to entertainment independently of their consent. It serves to show that the provisions of the household, which as he elsewhere states, consisted of from twenty to forty persons, were used in common, and that each household shared their provisions in the exercise of hospitality with any inhabitant of the village who came to the house hungry, and with strangers from other tribes as well. Moreover, he speaks of this hospitality as universal amongst the Indian tribes. It is an important statement, because few men in the early period of intercourse with the western tribes have traveled so extensively among them.

The tribes of the Columbia Valley lived upon fish, bread-roots, and game. Food was abundant at certain seasons, but there were times of scarcity even in this favored area. Whatever provisions they had were shared freely with each other, with guests, and with strangers. Lewis and Clarke, in 1804-1806, visited in their celebrated expedition the tribes of the Missouri and of the Valley of the Columbia. They experienced the same generous hospitality whenever the Indians possessed any food to offer, and their account is the first we have at all special of these numerous tribes. Frequent references are made to their hospitality. The Nez Perces "set before them a small piece of buffalo meat, some dried salmon, berries, and several kinds of roots. Among these last is one which is round and much like an onion in appearance and sweet to the taste. It is called quamash, and is eaten either in its natural state or boiled into a kind of soup or made into a cake, which is then called pasheco. After the long abstinence, this was a sumptuous treat; and we returned the kindness of the people by a few small presents, and then went

on in company with one of the chiefs to a second village, in the same plain at a distance of two miles. Here the party was treated with great kindness and passed the night." [Footnote: Travels, etc., p. 330.]

Of another tribe they remark, "As we approached the village most of the women, though apprised of our being expected, fled with their children into the neighboring woods. The men, however, received us without any apprehension, and gave us a plentiful supply of provisions. The plains were now crowded with Indians who came to see the persons of the whites, and the strange things they brought with them; but as our guide was perfectly a stranger to their language we could converse by signs only." [Footnote: Travels, etc., p. 334.]

The Indians of the Columbia, unlike the tribes previously named, boiled their food in wooden vessels, or in ground cavities lined with skins, by means of heated stones. They were ignorant of pottery. "On entering one of their houses he [Captain Clarke] found it crowded with men, women, and children, who immediately provided a mat for him to sit on, and one of the party undertook to prepare something to eat. He began by bringing in a piece of pine wood that had drifted down the river, which he split into small pieces with a wedge made of the elk's horn by means of a mallet of stone curiously carved. The pieces were then laid on the fire, and several round stones placed upon them. One of the squaws now brought a bucket of water, in which was a large salmon about half dried, and as the stones became heated they were put into the bucket till the salmon was sufficiently boiled for use. It was then taken out, put on a platter of rushes neatly made, and laid before Captain Clarke, and another was boiled for each of his men." [Footnote: Travels, p. 353.]

One or two additional cases of which a large number are mentioned by these authors will sufficiently illustrate the practice of hospitality of these tribes and its universality. They went to a village of seven houses of the Chilluckittequaw tube and to the house of the chief. "He received us kindly," they remark, "and set before us pounded fish, filberts, nuts, the berries of the sacacommis, and white bread made of roots…. The village is a part of the same nation with the village we passed above, the language of the two being the same, and their houses of similar form and materials, and calculated to contain about thirty souls. The inhabitants were unusually hospitable and good humored." [Footnote: Travels, etc., p. 375-376.]

While among the Shoshones, and before arriving at the Columbia they "reached an Indian lodge of brush inhabited by seven families of the Shoshones. They behaved with great civility, and gave the whole party as much boiled salmon as they could eat, and added a present of several dried salmon and a considerable quantity of chokechinies;" [Footnote: ib. p. 288.] and Captain Lewis remarks of the same people, that "an Indian invited him into his bower, and gave him a small morsel of boiled antelope, and a piece of fresh salmon roasted. This was the first salmon he had seen, and perfectly satisfied him that he was now on the waters of the Pacific." [Footnote: ib. p. 268.]

Thus far among the tribes we find a literal repetition of the rule of hospitality as practiced by the Iroquois. Mr. Dall, speaking of the Aleuts, says, "hospitality was one of their prominent traits," [Footnote: On the Remains of Later Prehistoric Man, Alaska Ter. Smithsonian Cont., No. 318, p. 3. Travels, etc., Phila. ed., 1796, p. 171.] and Powers, of the Pomo Indians of California remarks, that "they would always divide the last morsel of dried salmon with genuine savage thriftlessness," and of the Mi-oal'-a-wa-gun, that, "like all California Indians they are very hospitable." [Footnote: Powell's Contributions to North American Ethnology, Power's Tribes of California, vol. iii. p. 153.]

Father Marquette and Lieutenant Joliet, who first discovered the Upper Mississippi in 1673, had friendly intercourse with some of the tribes on its eastern bank, and were hospitably entertained by them. "The council being over, we were invited to a feast, which consisted of four dishes. The first was a dish of sagamite—that is, some Indian meal boiled in water and seasoned with grease—the master of ceremonies holding a spoonful of it, which he put thrice into my mouth and then did the like to M. Joliet. The second dish consisted of three fish, whereof he took a piece, and having taken out the bones and blown upon it to cool it, he put it into my mouth. The third dish was a large dog, which they had killed on purpose, but understanding that we did not eat this animal they sent it away. The fourth was a piece of buffalo meat, of which they put the fattest pieces into our mouths." [Footnote: Historical Collections of Louisiana. part ii. An Account of the Discovery of some New Countries and Nations of North America in 1673, by Pere Marquette and Sieur Joliet, p. 287.]

Lower down the river, below the mouth of the Ohio, they fell in with another tribe, of whom they speak as follows. "We therefore disembarked

and went to their village. They entertained us with buffalo and bear's meat and white plums, which were excellent. We observed they had guns, knives, axes, shovels, glass beads, and bottles in which they put their powder. They wear their hair long as the Iroquois, and their women are dressed as the Hurons." [Footnote: ib,. p. 293]

In 1766 Jonathan Carver visited the Dakota tribes of the Mississippi, the Sauks and Foxes, and Winnebagos of Wisconsin, and the Ojibwas of Upper Michigan. He speaks generally of the hospitality of these tribes as follows: "No people are more hospitable, kind, and free than the Indians. They will readily share with any of their own tribe the last part of their provisions, and even with those of a different nation, if they chance to come in when they are eating. Though they do not keep one common stock, yet that community of goods which is so prevalent among them, and their generous disposition, render it nearly of the same effect." [Footnote: Carver's Travels, etc. Phila. ed. 1796, p. 171.]

The "community of goods, which is so prevalent among them," is explained by their large households formed of related families, who shared their provisions in common. The "seven families of Shoshones" in one house, and also the houses "crowded with men, women, and children," mentioned by Lewis and Clarke, are fair samples of Indian households in the early period.

We turn again to the southern tribes of the United States, the Cherokees, Choctas, Chickasas, and Confederated Creek tribes. James Adair, whose work was published in 1775, remarks generally upon their usages in the following language. "They are so hospitable, kind-hearted, and free, that they would share with those of their own tribe the last part of their own provisions, even to a single ear of corn; and to others, if they called when they were eating; for they have no stated meal time. An open generous temper is a standing virtue among them; to be narrow-hearted, especially to those in want, or to any of their own family, is accounted a great crime, and to reflect scandal on the rest of the tribe. Such wretched misers they brand with bad characters…. The Cherokee Indians have a pointed proverbial expression to the same effect— simtaweh ne wara, the great hawk is at home. However, it is a very rare thing to find any of them of a narrow temper; and though they do not keep one promiscuous common stock, yet it is to the very same effect; for every one has his own family or tribe; and when one of them is speaking, either of the individuals or habitations of any

of his tribe, he says, 'he is of my house,' or 'it is my house'…. When the Indians are traveling in their own country, they inquire for a house of their own tribe [gens]; and if there be any, they go to it, and are kindly received, though they never saw the persons before—they eat, drink, and regale themselves with as much freedom as at their own table, which is the solid ground covered with a bear-skin…. Every town has a state-house or synedrion, as the Jewish sanhedrim, where, almost every night, the head men convene about public business; or the town's people to feast, sing, dance, and rejoice in the divine presence, as will fully be described hereafter. And if a stranger calls there, he is treated with the greatest civility and hearty kindness—he is sure to find plenty of their simple home fare, and a large cane-bed covered with the softened skins of bears or buffaloes to sleep on. But, when his lineage is known to the people (by a stated custom, they are slow in greeting one another), his relations, if he has any there, address him in a familiar way, invite him home, and treat him as a kinsman." [Footnote: History of the American Indians, London ed., 1775, p. 17.]

All these tribes were organized in gentes or clans, and the gentes of each tribe were usually reintegrated in two or more phratries. It is the gens to which Mr. Adair refers when he speaks of the "family," "relations," and "lineage." We find among them the same rule of hospitality, substantially, as prevailed among the Iroquois.

It is a reasonable conclusion, therefore, that among all the tribes, north of New Mexico, the law of hospitality, as practiced by the Iroquois, was universally recognized; and that in all Indian villages and encampments without distinction the hungry were fed through the open hospitality of those who possessed a surplus. Notwithstanding this generous custom, it is well known that the Northern Indians were often fearfully pressed for the means of subsistence during a portion of each year. A bad season for their limited productions, and the absence of accumulated stores, not unfrequently engendered famine over large districts. From the severity of the struggle for subsistence, it is not surprising that immense areas were entirely uninhabited, that other large areas were thinly peopled, and that dense population nowhere existed.

Among the Village Indians of New Mexico the same hospitality is now extended to Americans visiting their pueblos, and which presumptively is simply a reflection of their usage among themselves and toward other

tribes. In 1852 Dr. Tenbroeck, assistant surgeon United States Army, accompanied his command to the Moki pueblos. In his journal he remarks: "Between eleven and twelve to-day we arrived at the first towns of Moki. All the inhabitants turned out, crowding the streets and house-tops to have a view of the white men. All the old men pressed forward to shake hands with us, and we were most hospitably received and conducted to the governor's house, where we were at once feasted upon guavas and a leg of mutton broiled upon the coals. After the feast we smoked with them, and they then said that we should move our camp in, and that they would give us a room and plenty of wood for the men, and sell us corn for the animals." [Footnote: Schoolcraft's History, Condition, and Prospects of the Indian Tribes, iv. 81.]

In 1858 Lieut. Joseph C. Ives was at the Moki Pueblo of Mooskahneh [Mi-shong-i-ni-vi]. "The town is nearly square," he remarks, "and surrounded by a stone wall fifteen feet high, the top of which forms a landing extending around the whole. Flights of stone steps lead from the first to a second landing, upon which the doors of the houses open. Mounting the stairway opposite to the ladder, the chief crossed to the nearest door and ushered us into a low apartment, from which two or three others opened towards the interior of the dwelling. Our host courteously asked us to be seated upon some skins spread along the floor against the wall and presently his wife brought in a vase of water and a tray filled with a singular substance that looked more like sheets of thin blue wrapping paper rolled up into bundles than anything else that I have ever seen. I learned afterwards that it was made of corn meal, ground very fine, made into a gruel, and poured over a heated stone to be baked. When dry it has a surface slightly polished like paper. The sheets are folded and rolled together, and form the staple article of food with the Moki Indians. As the dish was intended for our entertainment, and looked clean, we all partook of it. It had a delicate fresh-bread flavor, and was not at all unpalatable, particularly when eaten with salt." [Footnote: Report upon Colorado River of the West, Lieut. Ives, p. 121.]

Lieutenant-Colonel (now General) Emory visited the Pima villages on the Gila River in 1846. "I rode leisurely in the rear through the thatched huts of the Pimas. Each abode consisted of a dome-shaped wicker-work about six feet high, and from twenty to fifty feet in diameter, thatched with straw or cornstalks. In front is usually a large arbor, on top of which is piled the

cotton on the pod for drying. In the houses were stowed watermelons, pumpkins, beans, corn, and wheat, the three last articles generally in large baskets. Sometimes the corn was in baskets, covered with earth, and placed on the tops of the domes. A few chickens and dogs were seen, but no other domestic animals except horses, mules, and oxen…. Several acquaintances formed in our camp yesterday, were recognized, and they received me cordially, made signs to dismount, and when I did so offered watermelons and pinole. Pinole is the heart of Indian corn, baked, ground up, and mixed with sugar. When dissolved in water it affords a delicious beverage; it quenches thirst, and is very nutritious…. The population of the Pimas and Maricopas together is estimated variously at from three to ten thousand. The first is evidently too low. This peaceful and industrious race are in possession of a beautiful and fertile basin. Living remote from the civilized world they are seldom visited by whites, and then only by those in distress, to whom they generously furnish horses and food." [Footnote: Military Reconnaissance in New Mexico, pp. 85, 86.]

In this case and in those stated by Lieutenant Ives and Dr. Tenbroeck we find a repetition of the Iroquois rule to set food before the guest when he first enters the house.

With respect to the Village Indians of Mexico, Central and South America, our information is, in the main, limited to the hospitality extended to the Spaniards; but it is sufficient to show that it was a part of their plan of life, and, as it must be supposed, a repetition of their usages in respect to each other. In every part of America that they visited, the Spaniards, although often in numbers as a military force, were assigned quarters in Indian houses, emptied of their inhabitants for that purpose, and freely supplied with provisions. Thus at Zempoala "the lord came out, attended by ancient men, two persons of note supporting him by the arms, because it was the custom among them to come out in that manner when one great man received another. This meeting was with much courtesy and abundance of compliments, and people were already appointed to find the Spaniards quarters and furnish provisions" [Footnote: Herrera's History of America, ii, 212.]

When near Tlascala the Tlascallans "sent three hundred turkeys, two hundred baskets of cakes of teutli, which they call tamales, being about two hundred arrobas; that is, fifty hundred weight of bread, which was an extraordinary supply for the Spaniards, considering the distress they were

in;" and when at Tlascala, Cortes and his men "were generously treated, and supplied with all necessaries." [Footnote: ib., ii. 261, 279.]

"They entered Cholula and went to a house where they lodged altogether, and their Indians with them, although upon their guard, being for the present plentifully supplied with provisions." [Footnote: ib., ii, 311]

Although the Spaniards numbered about four hundred, and their allied Indians about a thousand, they found accommodations in a single joint tenement house of the Aboriginal American model. Attention is called to this fact, because we shall find the Village Indians, as a rule, living in large houses, each containing many apartments, and accommodating five hundred or more persons. The household of several families of the northern Indians reappears in the southern tribes in a much greater household of a hundred or more families in a single joint tenement house, but not unlikely broken up into several household groups. The pueblo consisted sometimes of one, sometimes of two or three, and sometimes of a greater number of such houses. The plan of life within these houses is not well understood, but it can still be seen in New Mexico, and it is to be hoped it will attract investigation.

Speaking of the Maya Indians of Yucatan, Herrera remarks that "they are still generous and free-hearted, so that they will make everybody eat that comes into their houses, which is everywhere practiced in traveling." [Footnote: Herrera's History of America, iv, 117.]

This is a fair statement of the Iroquois law of hospitality found among the Mayas, practiced among themselves and towards strangers from other tribes. When Grijalva, about 1517, discovered the Tabasco River, he held friendly intercourse with some of the tribes of Yucatan. "They immediately sent thirty Indians loaded with roasted fish, hens, several sorts of fruit, and bread made of Indian wheat." [Footnote: ib., ii, 126]

When Cortes, in 1525, made his celebrated expedition to Honduras, he passed near the pueblo of Palenque and near that of Copan without being aware of either, and visited the shore of Lake Peten. "Being well received in the city of Apoxpalan, Cortes and all the Spaniards, with their horses, were quartered in one house, the Mexicans being dispersed into others, and all of them plentifully supplied with provisions during their stay." [Footnote: ib., iii, 359.]

They numbered one hundred and fifty Spanish horse and several hundred Aztecs. It was at this place, according to Herrera, that Quatemozin, who

accompanied Cortes as a prisoner, was barbarously executed by his command. [Footnote: ib., iii, 361.] Cortes next visited an island in Lake Peten, where he was sumptuously entertained by Canec, the chief of the tribe, where they "sat down to dinner in stately manner, and Canec ordered fowls, fish cakes, honey, and fruit." [Footnote: ib., iii, 362.]

In South America the same account of the hospitality of the Indian tribes is given by the early explorers. About the year 1500 Christopher Guerra made a voyage to the coast of Venezuela: "They came to an anchor before a town called Curiana, where the Indians entreated them to go ashore, but the Spaniards being no more than thirty-three in all durst not venture…. At length, being convinced of their sincerity, the Spaniards went ashore, and being courteously entertained, staid there twenty days. They plentifully supplied them for food with venison, rabbits, geese, ducks, parrots, fish, bread made of maize or Indian wheat, and other things, and brought them all the game they would ask for…. They perceived that they kept markets or fairs, and that they made use of jars, pitchers, pots, dishes, and porringers, besides other vessels of several shapes." [Footnote: Herrera's Hist. America, iv, 248.]

Pizarro found the same custom among the Peruvians and other tribes of the coast. At the time of his first visit to the coast of Peru he found a female chief by whom he was entertained. "The lady came out to meet them with a great retinue, in good order, holding green boughs and ears of Indian wheat, having made an arbor where were seats for the Spaniards, and for the Indians at some distance. They gave them to eat fish and flesh dressed in several ways, much fruit, and such bread and liquor as the country afforded." [Footnote: ib., i, 229.]

When on the coast of Tumbez, and before landing, "ten or twelve floats were immediately sent out with a plenty of provisions, fruits, pots of water, and of chica, which is their liquor, as also a lamb." [Footnote: ib., iv, 3.]

After entering Peru, on his second visit to the coast, "Atahuallpa's messengers came and presented the governor with ten of their sheep from the Inca, and some other things of small value, telling him very courteously that Atahuallpa had commanded them to inquire what day he intended to be at Caxamalca, that he might have provisions on the way." [Footnote: ib., iii, 399.]

* * * * *

"The next day more messengers came from Atahuallpa with provisions, which he received with thanks.". [Footnote: ib., iv, 244.]

The native historian, Garcilasso de la Viga, remarks: "Nor were the Incas, among their other charities, forgetful of the conveniences for travelers, but in all the great roads built houses or inns for them, which they called corpahuaci, where they were provided with victuals and other necessaries for their journeys out of the royal stores; and in case any traveler fell sick on the way, he was there attended and care taken of him in a better manner perhaps than at his own home." [Footnote: Royal Commentaries of Peru, Lond. ed., 1688; Recent Trans., p 145.]

These illustrations, which might be multiplied, are sufficient to show the universality of the practice of hospitality among the Indian tribes of America at the epoch of European discovery. Among all these forms, as stated by different observers, the substance of the Iroquois law of hospitality is plainly found, namely: If a man entered an Indian house, whether a villager, a tribesman, or a stranger, and at whatever hour of the day, it was the duty of the women of the house to set food before him. An omission to do this would have been a discourtesy amounting to an affront. If hungry, he ate, if not hungry, courtesy required that he should taste the food and thank the giver. It is seen to have been a usage running through three ethnic conditions of the Indian race, becoming stronger as the means of subsistence increased in variety and amount, and attaining its highest development among the Village Indians in the Middle Status of barbarism. It was an active, well-established custom of Indian society, practiced among themselves and among strangers from other tribes, and very naturally extended to Europeans when they made their first appearance among them. Considering the number of the Spaniards often in military companies, and another fact which the aborigines were quick to notice, namely, that a white man consumed and wasted five times as much as an Indian required, their hospitality in many cases must have been grievously overtaxed. [Footnote: "The appetite of the Spaniards appeared to the American inhabitants voracious; and they affirmed that one Spaniard devoured more food in a day than was sufficient for ten Americans."— (Robertson's History of America, Lond. ed., 1856, i, p. 72.)]

Attention has been called to this law of hospitality, and to its universality, for two reasons: firstly, because it implies the existence of common stores, which supplied the means for its practice; and secondly, because, wherever

found, it implies communistic living in large households. It must be evident that this hospitality could not have been habitually practiced by the Iroquois and other northern tribes, and much less by the Village Indians of Mexico, Central and South America, with such uniformity, if the custom in each case had depended upon the voluntary contributions of single families. In that event it would have failed oftener than it would have succeeded. The law of hospitality, as administered by the American aborigines, indicates a plan of life among them which has not been carefully studied, nor have its effects been fully appreciated. Its explanation must be sought in the ownership of lands in common, the distribution of their products to households consisting of a number of families, and the practice of communism in living in the household. Common stores for large households, and possibly for the village, with which to maintain village hospitality, are necessary to explain the custom. It could have been maintained on such a basis, and it is difficult to see how it could have been maintained on any other. The common and substantially universal practice of this custom, among the American Indian Tribes, at the period of their discovery, among whom the procurement of subsistence was their vital need, must be regarded as evidence of a generous disposition, and as exhibiting a trait of character highly creditable to the race.

[Relocated Footnote: PROPOSED ETHNIC OR CULTURE PERIODS.

PERIOD OF SAVAGERY. PERIOD OF BARBARISM.

Subperiods. Conditions. Subperiods. Conditions.

Older Period ….. Lower Status Older Period …. Lower Status

Middle Period …. Middle Status Middle Period … Middle Status

Later Period ….. Upper Status Later Period …. Upper Status.

PERIOD OF CIVILIZATION

RECAPITULATION

OLDER PERIOD OF SAVAGERY.—From the infancy of the human race to the knowledge of fire and the acquisition of fish subsistence.

MIDDLE PERIOD.—From the acquisition of a fish subsistence to the invention of the bow and arrow.

LATER PERIOD.—From the invention of the bow and arrow to the invention of the art of pottery.

OLDER PERIOD OF BARBARISM.—From a knowledge of pottery to the domestication of animals in the eastern hemisphere, and in the western to the cultivation of maize and plants by irrigation.

MIDDLE PERIOD.—From the domestication of animals, &c., to the invention of the process of smelting iron ore.

LATER PERIOD.—From the knowledge of iron to the invention of a phonetic alphabet, or the use of hieroglyphs upon stone as an equivalent.

CIVILIZATION.—From the invention of a phonetic alphabet and the use of letters in literary composition to the present time.]

CHAPTER III.

COMMUNISM IN LIVING.

We are now to consider the remaining usages and customs named in the last chapter.

THEIR COMMUNISM IN LIVING.

Communism in living had its origin in the necessities of the family, which, prior to the Later Period of barbarism, was too weak an organization to face alone the struggle of life. In savagery and in the Older and the Middle Period of barbarism the family was in the syndyasmian or pairing form into which it had passed from a previous lower form. [Footnote: Ancient Society, p. 459.]

Wherever the gentile organization prevailed, several families, related by kin, united as a rule in a common household and made a common stock of the provisions acquired by fishing and hunting, and by the cultivation of maize and plants. They erected joint tenement houses large enough to accommodate several families, so that, instead of a single family in the exclusive occupation of a single house, large households as a rule existed in all parts of America in the aboriginal period. This community of provisions was limited to the household; but a final equalization of the means of subsistence was in some measure affected by the law of hospitality. To a very great extent communism in living was a necessary result of the condition of the Indian tribes. It entered into their plan of life and determined the character of their houses. In effect it was a union of effort to procure subsistence, which was the vital and commanding concern of life. The desire for individual accumulation had not been aroused in their minds to any sensible extent. It is made evident by a comparison of the conditions of barbarous tribes on different continents that communism has widely prevailed among them, and that the influence of this ancient practice had not entirely disappeared among the more advanced tribes when civilization finally appeared. The common meal-bin of the ancient and the common tables of the later Greeks seem to be survivals of an older communism in living. This practice, though never investigated as a specialty, may be

shown by the known customs of a number of Indian tribes, and may be confirmed by an examination of the plans of their houses.

Our first illustration will be taken from the usages of the Iroquois. In their villages they constructed houses, consisting of frames of poles covered with bark, thirty, fifty, eighty, and a hundred feet in length, with a passage-way through the center, a door at each end, and with the interior partitioned off at intervals of about seven feet. Each apartment or stall thus formed was open for its entire width upon the passage-way. These houses would accommodate five, ten, and twenty families, according to the number of apartments, one being usually allotted to a family. Each household was made up on the principle of kin. The married women, usually sisters, own or collateral, were of the same gens or clan, the symbol or totem of which was often painted upon the house, while their husbands and the wives of their sons belong to several other gentes. The children were of the gens of their mother. While husband and wife belonged to different gentes, the preponderating number in each household would be of the same gens, namely, that of their mothers. As a rule the sons brought home their wives, and in some cases the husbands of the daughters were admitted to the maternal house. Thus each household was composed of a mixture of persons of different gentes; but this would not prevent the numerical ascendency of the particular gens to whom the house belonged. In a village of one hundred and twenty houses, as the Seneca village of Tiotohatton described by Mr. Greenbalgh i n 1677, there would be several such houses belonging to each gens. It presented a general picture of Indian life in all parts of America at the epoch of European discovery. [Footnote: Documentary History of New York, i, 13.]

Whatever was gained by any member of the household on hunting or fishing expeditions, or was raised by cultivation, was made a common stock. Within the house they lived from common stores. Each house had several fires, usually one for each four apartments, which was placed in the middle of the passage-way and without a chimney. Every household was organized under a matron who supervised its domestic economy. After the single daily meal was cooked at the several fires the matron was summoned, and it was her duty to divide the food, from the kettle, to the several families according to their respective needs. What remained was placed in the custody of another person until it was required by the matron. The Iroquois lived in houses of this description as late as A. D. 1700, and in

occasional instances a hundred years later. An elderly Seneca woman informed the writer, thirty years ago, that when she was a girl she lived in one of these joint tenement houses (called by them long-houses), which contained eight families and two fires, and that her mother and her grandmother, in their day, had acted as matrons over one of these large households. [Footnote: The late Mrs. William Parker, of Tonawanda.]

This mere glimpse at the ancient Iroquois plan of life, now entirely passed away, and of which remembrance is nearly lost, is highly suggestive. It shows that their domestic economy was not without method, and it displays the care and management of woman, low down in barbarism, for husbanding their resources and for improving their condition. A knowledge of these houses, and how to build them, is not even yet lost among the Senecas. Some years ago Mr. William Parker, a Seneca chief, constructed for the writer a model of one of these long-houses, showing in detail its external and internal mechanism.

The late Rev. Ashur Wright, DD., for many years a missionary among the Senecas, and familiar with their language and customs, wrote to the author in 1873 on the subject of these households, as follows: "As to their family system, when occupying the old long-houses, it is probable that some one clan predominated, the women taking in husbands, however, from the other clans; and sometimes, for a novelty, some of their sons bringing in their young wives until they felt brave enough to leave their mothers. Usually, the female portion ruled the house, and were doubtless clannish enough about it. The stores were in common; but woe to the luckless husband or lover who was too shiftless to do his share of the providing. No matter how many children or whatever goods he might have in the house, he might at any time be ordered to pick up his blanket and budge; and after such orders it would not be healthful for him to attempt to disobey; the house would be too hot for him; and unless saved by the intercession of some aunt or grandmother he must retreat to his own clan, or as was often done, go and start a new matrimonial alliance in some other. The women wore the great power among the clans, as everywhere else. They did not hesitate, when occasion required, to 'knock off the horns,' as it was technically called, from the head of a chief and send him back to the ranks of the warriors. The original nomination of the chiefs also always rested with them."

The mother-right and gyneocracy among the Iroquois here plainly indicated is not overdrawn. The mothers and their children, as we have

seen, were of the same gens, and to them the house belonged. It was a gentile house. In case of the death of father or mother, the apartments they occupied could not be detached from the kinship, but remained to its members. The position of the mother was eminently favorable to her influence in the household, and tended to strengthen the maternal bond. We may see in this an ancient phase of human life which has had a wide prevalence in the tribes of mankind, Asiatic, European, African, American, and Australian. Not until after civilization had begun among the Greeks, and gentile society was superseded by political society, was the influence of this old order of society overthrown. It left behind, at least among the Grecian tribes, deep traces of its previous existence.

[Footnote: These statements illustrate the gyneocracy and mother-right among the ancient Grecian tribes discussed by Bachofen in "Das Mutterrecht." The phenomena discovered by Bachofen owes its origin, probably, to descent in the female line, and to the junction of several families in one house, on the principle of kin, as among the Iroquois.]

Among the Iroquois, those who formed a household and cultivated gardens gathered the harvest and stored it in their dwelling as a common stock. There was more or less of individual ownership of these products, and of their possession by different families. For example, the corn, after stripping back the husk, was braided by the husk in bunches and hung up in the different apartments; but when one family had exhausted its supply, their wants were supplied by other families so long as any remained. Each hunting and fishing party made a common stock of the capture, of which the surplus, on their return, was divided among the several families of each household, and, having been cured, was reserved for winter use The village did not make a common stock of their provisions, and thus offer a bounty to imprudence It was confined to the household But the principle of hospitality then came in to relieve the consequences of destitution We can speak with some confidence of the ancient usages and customs of the Iroquois; and when any usage is found among them in a definite and positive form, it renders probable the existence of the same usage in other tribes in the same condition, because their necessities were the same.

In the History of Virginia, by Capt. John Smith, the houses of the Powhatan Indians are partially described, and are found to be much the same as those of the Iroquois We have already quoted from this work the description of a house on Roanoke Island containing five chambers.

Speaking of the houses in the vicinity of James River in 1606-1608, he remarks, "Their houses are built like our arbors, of small young sprigs bowed and tied, and so close covered with mats, or the bark of trees, very handsomely, that notwithstanding either wind, rain, or weather, they are as warm as stoves but very smoky, yet at the top of the house there is a hole made for the smoke to go into right over the fire. Against the fire they lie on little hurdles of reeds covered with a mat, borne from the ground a foot and more by a hurdle of wood On these, round about the house, they lie, heads and points, one by the other, against the fire, some covered with mats, some with skins, and some stark naked lie on the ground, from six to twenty in a house…. In some places are from two to fifty of these houses together, or but little separated by groves of trees." [Footnote: Smith's History of Virginia, Richmond ed., 1819, i, 130]

The noticeable fact in this statement is the number of persons in the house, which shows a household consisting of several families Their communism in living may be inferred Elsewhere he speaks of "houses built after their manner, some thirty, some forty yards long," and speaking of one of the houses of Powhatan he says, "This house is fifty or sixty yards in length," and again, at Pamunk, "A great fire was made in a long-house, a mat was spread on one side as on the other, and on one side they caused him to sit." [Footnote: 5, Ib, 1, 142, 143; Smith's Hist. Va., Richmond ed., 1819, i, 160.]

We here find among the Virginia Indians at the epoch of their discovery long-houses very similar to the long-houses of the Iroquois, with the same evidence of a large household. It may safely be taken as a rule that every Indian household in the aboriginal period, whether large or small, lived from common stores.

Mr. Caleb Swan, who visited the Creek Indians of Georgia in 1790, found the people living in small houses or cabins, but in clusters, each cluster being occupied by a part of a gens or clan. He remarks that "the smallest of their towns have from ten to forty houses, and some of the largest from fifty to two hundred, that are tolerably compact. These houses stand in clusters of four, five, six, seven, and eight together…. Each cluster of houses contains a clan or family of relations who eat and live in common." [Footnote: Schoolcraft's Hist. Cond. and Pros. of Indian Tribes, vol. v. 262.]

Here the fact of several families uniting on the principle of kin, living in a cluster of houses, and practicing communism, is expressly stated.

James Adair, writing still earlier of the southern Indians of the United States generally, remarks in a passage before quoted, as follows: "I have observed, with much inward satisfaction, the community of goods that prevailed among them…. And though they do not keep one promiscuous common stock, yet it is to the very same effect, for every one has his own family or tribe, and when any one is speaking either of the individuals or habitations of his own tribe, he says, 'He is of my house,' or, 'It is my house.'" [Footnote: History of the American Indians, p. 17.]

It is singular that this industrious investigator did not notice, what is now known to be the fact, that all these tribes were organized in gentes and phratries. It would have rendered his observations upon their usages and customs more definite. Elsewhere he remarks further that "formerly the Indian law obliged every town to work together in one body, in sewing or planting their crops, though their fields were divided by proper marks, and their harvest is gathered separately. The Cherokees and Muscogees [Creeks] still observe that old custom, which is very necessary for such idle people." [Footnote: ib., p. 430.]

They cultivated, like the Iroquois, three kinds of maize, an "early variety," the "hominy corn," and the "bread corn," also beans, squashes, pumpkins, and tobacco. [Footnote: History of the American Indians, p. 430] Chestnuts, a tuberous root something like the potato but gathered in the marshes, berries, fish, and game, entered into their subsistence. Like the Iroquois, they made unleavened bread of maize flour, which was boiled in earthen vessels, in the form of cakes, about six inches in diameter and an inch thick. [Footnote: ib. pp. 406, 408.] Among the tribes of the plains, who subsist almost exclusively upon animal food, their usages in the hunt indicate the same tendency to communism in food. The Blackfeet, during the buffalo hunt, follow the herds on horseback in large parties, composed of men, women, and children. When the active pursuit of the herd commences, the hunters leave the dead animals in the track of the chase to be appropriated by the first persons who come up behind. This method of distribution is continued until all are supplied. All the Indian tribes who hunt upon the plains, with the exception of the half-blood Crees, observe the same custom of making a common stock of the capture. It tended to equalize, at the outset, the means of subsistence obtained. They cut the beef into strings, and either dried it in the air or in the smoke of a fire. Some of the tribes made a part of the capture into pemmican, which consists of dried and

pulverized meat mixed with melted buffalo fat, which is baled in the hide of the animal.

During the fishing season in the Columbia River, where fish are more abundant than in any other river on the earth, all the members of the tribe encamp together, and make a common stock of the fish obtained. They are divided each day according to the number of women, giving to each an equal share. At the Kootenay Falls, for example, they are taken by spearing, and in huge baskets submerged in the water below the falls. The salmon, during the spring run, weigh from six to forty pounds, and are taken in the greatest abundance, three thousand a day not being an unusual number. Father De Smet, the late Oregon missionary, informed the writer, in 1862, that he once spent several days with the Kootenays at these falls, and that the share which fell to him, as one of the party, loaded, when dried, thirty pack mules. The fish are split open, scarified, and dried on scaffolds, after which they are packed in baskets and then removed to their villages. This custom makes a general distribution of the capture, and leaves each household in possession of its share.

[Transcriber's Note: Lengthy footnote relocated to chapter end.]

Their communism in living is involved in the size of the household, which ranged from ten to forty persons. "The houses of the Sokulks are made of large mats of rushes, and are generally of a square or oblong form, varying in length from fifteen to sixty feet; the top is covered with mats, leaving a space of twelve or fifteen inches, the whole length of the house, for the purpose of admitting the light and suffering the smoke to pass through; the roof is nearly flat … and the house is not divided into apartments, the fire being in the middle of the large room, and immediately under the hole in the roof.… On entering one of these houses he [Captain Clarke] found it crowded with men, women, and children, who immediately provided a mat for him to sit on, and one of the party immediately undertook to prepare something to eat." [Footnote: Lewis and Clarke's Travels, pp. 351-353.]

Again: "He landed before five houses close to each other, but no one appeared, and the doors, which were of mats, were closed. He went towards one of them with a pipe in his hand, and pushing aside the mat entered the lodge, where he found thirty-two persons, chiefly men and women, with a few children, all in the greatest consternation." [Footnote: ib., p. 357.] And again: "This village being part of the same nation with the village we passed

above, the language of the two being the same, and their houses being of the same form and materials, and calculated to contain about thirty souls." [Footnote: ib., p. 376.]

In enumerating the people Lewis and Clarke often state the number of inhabitants with the number of houses, thus:

"The Killamucks, who number fifty houses and a thousand souls."

"The Chilts, who … are estimated at seven hundred souls and thirty-eight houses."

"The Clamoitomish, of twelve houses and two hundred and sixty souls."

"The Potoashees, of ten houses and two hundred souls."

"The Pailsk, of ten houses and two hundred souls."

"The Quinults, of sixty houses and one thousand souls."

[Footnote: Lewis and Clarke's Travels, pp. 426-428.]

Speaking generally of the usages and customs of the tribes of the "Columbia plains," they make the following statements: "Their large houses usually contain several families, consisting of the parents, their sons and daughters-in-law and grandchildren, among whom the provisions are common, and whose harmony is scarcely ever interrupted by disputes. Although polygamy is permitted by their customs, very few have more than a single wife, and she is brought immediately after the marriage into the husband's family, where she resides until increasing numbers oblige them to seek another house. In this state the old man is not considered the head of the family, since the active duties, as well as the responsibility, fall on some of the younger members. As these families gradually expand into bands, or tribes, or nations, the paternal authority is represented by the chief of each association. This chieftain, however, is not hereditary." [Footnote: ib., p. 443.] Here we find among the Columbian tribes, as elsewhere, communism in living, but restricted to large households composed of several families.

A writer in Harper's Magazine, speaking of the Aleutians, remarks: "When first discovered this people were living in large yurts, or dirt houses, partially underground … having the entrances through a hole in the top or centre, going in and out on a rude ladder. Several of these ancient yurts were very large, as shown by the ruins, being from thirty to eighty yards long and twenty to forty in width…. In these large yurts the primitive Aleuts lived by fifties and hundreds for the double object of protection and warmth." [Footnote: Harper's Magazine, vol. 55, p. 806.]

Whether these tribes at this time were organized in gentes and phratries is not known. At the time of the Wilkes expedition (1838-1842) the gentile organization did not exist among them; neither does it now exist; but it is still found among the tribes of the Northwest Coast, and among the Indian tribes generally. The composition of the household, as here described, is precisely like the household of the Iroquois prior to A.D. 1700.

The Mandan village contained at the time of Catlin's visit (1832), as elsewhere stated, about fifty houses and about fifteen hundred people. "These cabins are so spacious," Catlin remarks, "that they hold from twenty to forty persons—a family and all their connections…. From the great numbers of the inmates in these lodges they are necessarily very spacious, and the number of beds considerable. It is no uncommon thing to see these lodges fifty feet in diameter inside (which is an immense room), with a row of these curtained beds extending quite around their sides, being some ten or twelve of them, placed four or five feet apart, and the space between them occupied by a large post, fixed quite firmly in the ground, and six or seven feet high, with large wooden pegs or bolts in it, on which are hung or grouped, with a wild and startling taste, the arms and armor of the respective proprietors." [Footnote: North American Indians, Philadelphia ed., 1857, i, 139.]

The household, according to the custom of the Indians, was a large one. The number of inhabitants divided among the number of houses would give an average of thirty persons to each house. It is evident from several statements of Catlin before given that the household practiced communism in living, and that it was formed of related families, on the principle of gentile kin, as among the Iroquois. Elsewhere he intimates that the Mandans kept a public store or granary as a refuge for the whole community in a time of scarcity. [Footnote: ib., i, 210.]

In like manner Carver, speaking generally of the usages and customs of the Dakota tribes and of the tribes of Wisconsin, remarks that "they will readily share with any of their own tribe the last part of their provisions, and even with those of a different nation, if they chance to come in when they are eating. Though they do not keep one common store, yet that community of goods which is so prevalent among them, and their generous disposition, render it nearly of the same effect." [Footnote: Travels, etc, p. 171.]

What this author seems to state is that community of goods existed in the household, and that it was lengthened out to the tribe by the law of

hospitality. Elsewhere, speaking of the large village of the Sauks, he says: "This is the largest Indian town I ever saw. It contains about ninety houses, each large enough for several families." [Footnote: Travels, etc., Phila. ed. 1796, p. 29.]

In a previous chapter (supra p. 49.) Heckewelder's observations upon hospitality among the Delawares and Munsees, implying the principle of communism, have been given. He remarks further that "there is nothing in an Indian's house or family without its particular owner. Every individual knows what belongs to him, from the horse or cow down to the dog, cat, kitten, and little chicken…. For a litter of kittens or a brood of chickens there are often as many different owners as there are individual animals. In purchasing a hen with her brood one frequently has to deal for it with several children. Thus, while the principle of community of goods prevails in the State, the rights of property are acknowledged among the members of the family. This is attended with a very good effect, for by this means every living creature is properly taken care of." [Footnote: Indian Nations, p. 158.]

I do not understand what Heckewelder means by the remark that "the principle of community of goods prevails in the state," unless it be that the rule of hospitality was so all-pervading that it was tantamount to a community of goods, while individual property was everywhere recognized until it was freely surrendered. This may be the just view of the result of their communism and hospitality, but it is a higher one than I have been able to take.

The household of the Mandans consisting of from twenty to forty persons, the households of the Columbian tribes of about the same number, the Shoshone household of seven families, the households of the Sauks, of the Iroquois, and of the Creeks each composed of several families, are fair types of the households of the Northern Indians at the epoch of their discovery. The fact is also established that these tribes constructed as a rule large joint tenement houses, each of which was occupied by a large household composed of several families, among whom provisions were in common, and who practiced communism in living in the household.

Among the Village Indians of New Mexico a more advanced form of house architecture appears, and their joint tenement character is even more pronounced. They live in large houses, two, three, and four stories high, constructed of adobe brick, and of stone imbedded in adobe mortar, and

containing fifty, a hundred, two hundred, and in some cases five hundred apartments in a house. They are built in the terraced form, with fireplaces and chimneys added since their discovery, the first story closed up solid, and is entered by ladders, which ascend to the platform-roof of the first story. These houses are fortresses, and were erected as strongholds to resist the attacks of the more barbarous tribes by whom they were perpetually assailed. Each house was probably occupied by a number of household groups, whose apartments were doubtless separated from each other by partition walls. In a subsequent chapter the character of these houses will be more fully shown.

Our knowledge of the plan of life in these houses in the aboriginal period is still very imperfect. They still practice the old hospitality, own their lands in common, but with allotments to individuals and to families, and are governed by a cacique or sachem and certain other officers annually elected. An American missionary to the Laguna Village Indians, Rev. Samuel Gorman, in an address before the Historical Society of New Mexico in 1869, remarks as follows: "They generally marry very young, and the son-in-law becomes the servant of the father-in-law, and very often they all live together in one family for years, even if there be several sons-in-law; and this clannish mode of living is often, if not generally, a fruitful source of evil among this people. Their women generally have control over the granary, and they are more provident than their Spanish neighbors about the future. Ordinarily they try to have one year's provisions on hand. It is only when they have two years of scarcity succeeding each other that pueblos as a community suffer hunger." [Footnote: Address, p. 14.]

The usages of these Indians have doubtless modified in the last two hundred years under Spanish influence; they have decreased in numbers, and the family group is probably smaller than formerly. But it is not too late to recover the aboriginal plan of life among them if the subject were intelligently investigated. It is to be hoped that some one will undertake this work.

The Spanish writers do not mention the practice of communism in living as existing among the Village Indians of Mexico or Central America. They are barren of practical information concerning their mode of life; but we have the same picture of large households composed of several families, whose communism in the household may reasonably be inferred.

We have also the striking illustration of "Montezuma's Dinner," hereafter to be noticed, which was plainly a dinner in common by a communal household. Beside these facts we have the ownership of lands in common by communities of persons. Moreover, the ruins of ancient houses in Central and South America, and in parts of Mexico, show very plainly their joint tenement character. From the plans of these houses the communism of the people by households may be deduced theoretically with reasonable certainty.

Yucatan, when discovered, was occupied by a number of tribes of Maya Indians. The Maya language spread beyond the limits of Yucatan. This region, with Chiapas, Guatemala, and a part of Honduras, contained and still contains evidence, in the ruins of ancient structures, of a higher advancement in the arts of life than any other part of North America. The present Maya Indians of Yucatan are the descendants of the people who occupied the country at the period of the Spanish conquest, and who occupied the massive stone houses now in ruins, from which they were forced by Spanish oppression.

We have a notable illustration of communism in living among the present Maya Indians, as late as the year 1840, through the work of John L Stephens. At Nohcacab, a few miles east of the ruins of Uxmal, Mr. Stephens, having occasion to employ laborers, went to a settlement of Maya Indians, of whom he gives the following account: "Their community consists of a hundred labradores, or working men; their lands are held and wrought in common, and the products are shared by all. Their food is prepared at one hut, and every family sends for its portion, which explains a singular spectacle we had seen on our arrival, a procession of women and children, each carrying an earthen bowl containing a quantity of smoking hot broth, all coming down the same road, and disappearing among the different huts. Every member belonging to the community, down to the smallest pappoose, contributing in turn a hog. From our ignorance of the language, and the number of other and more pressing matters claiming our attention, we could not learn all the details of their internal economy, but it seemed to approximate that improved state of association which is sometimes heard of among us; and as theirs has existed for an unknown length of time, and can no longer be considered merely experimental, Owen on Fourier might perhaps take lessons from them with advantage." [Footnote: Incidents of Travel in Yucatan, ii, 14.]

A hundred working men indicate a total of five hundred persons, who were then depending for their daily food upon a single fire, the provisions being supplied from common stores, and divided from the caldron. It is, not unlikely, a truthful picture of the mode of life of their forefathers in the "House of the Nuns," and in the "Governor's House" at Uxmal, at the epoch of the Spanish conquest.

It is well known that Spanish adventurers captured these pueblos, one after the other, and attempted to enforce the labor of the Indians for personal ends, and that the Indians abandoned their pueblos and retreated into the inaccessible forests to escape enslavement, after which their houses of stone fell into decay, the ruins of which, and all there ever was of them, still remain in all parts of these countries.

It is hardly supposable that the communism here described by Mr. Stephens was a new thing to the Mayas; but far more probable that it was a part of their ancient mode of life, to which these ruined houses were eminently adapted. The subject of the adaptation of the old pueblo houses in Yucatan and Central America to communism in living will be elsewhere considered.

When Columbus first landed on the island of Cuba, he sent two men into the interior, who reported that "they traveled twenty-two leagues, and found a village of fifty houses, built like those before spoken of, and they contained about one thousand persons, because a whole generation lived in a house; and the prime men came out to meet them, led them by the arms, and lodged them in one of these new houses, causing them to sit down on seats … and they gave them boiled roots to eat, which tasted like chestnuts." [Footnote: Herrera, i, 55.]

One of the first expeditions which touched the main land on the coast of Venezuela in South America found much larger houses than these last described. "The houses they dwelt in were common to all, and so spacious that they contained one hundred and sixty persons, strongly built, though covered with palm-tree leaves, and shaped like a bell." [Footnote: ib., 216.]

Herrera further remarks of the same tribe, that "they observed no law or rule in matrimony, but took as many wives as they would, and they as many husbands, quitting one another at pleasure, without reckoning any wrong done on either part. There was no such thing as jealousy among them, all living as best pleased them, without taking offense at one another." [Footnote: ib., i, 216.]

This shows communism in husbands as well as wives, and rendered communism in food a necessity of their condition. Elsewhere the same author speaks of the habitations of the tribes on the coast of Carthagena. "Their houses were like long arbors, with several apartments, and they had no beds but hammocks." [Footnote: ib., 348.] Many similar statements are scattered through his work.

Among the more advanced tribes of Peru the lands were divided, and allotted to different uses; one part was for the support of the government, another for the support of religion, and another for the support of individuals. The first two parts were cultivated by the people under established regulations, and the crops were placed in public storehouses. This is the statement of Garcilasso. [Footnote: Royal Com. l. c., pp. 154, 157.]

Herrera, however, says generally that the people lived from common stores. "The Spaniards drawing near to Caxamalca begun to have a view of the Inca army lying near the bottom of a mountain…. They were pleased to see the beauty of the fields, most regularly cultivated, for it was an ancient law among these people that all should be fed from common stores, and none should touch the standing corn." [Footnote: Herrera, iv, 249.] The discrepancy between Herrera and Garcilasso may perhaps be explained by the reservation of the crops grown on lands set apart for the government and for religion.

The reason for presenting the foregoing observations of different authors concerning the households, the houses, and the practice of communism in food, has been to show, firstly, that the household of the Indian tribes was a large one, composed of several families; secondly, that their houses were constructed to accommodate several families; and thirdly, that the household practiced communism in living. These are the material facts, and they have been sufficiently illustrated. The single family of civilized society live from common stores, yet it is not communism; but where several families coalesce in one common household and make a common stock of their provisions, and this is found to be a general rule in entire tribes, it is a form of communism important to be noticed. It is seen to belong to a society in a low stage of development, where it springs from the necessities of their condition. These usages and customs exhibit their plan of life, and reveal the wide difference between their condition and that of civilized

society; between the Indian family, without individuality, and the highly individualized family of civilization.

[Relocated Footnote: Alfred W. Howitt, F. G. S., Bariusdale, Australia, mentions, in a letter to the author, the following singular custom of an Australian tribe concerning the distribution of food in the family group:

A man catches seven river eels; they are divided thus (it is supposed that his family consists only of these named):

1st eel. Front half himself; hind half his wife.

2d eel. Front half his wife's mother; hind half his wife's sister.

3d eel. Front half his elder sons; hind half his younger sons.

4th eel. Front half his elder daughters; hind half his younger daughters.

5th eel. Front half his brother's sons; hind half his brother's daughters.

6th eel. One whole eel to his married daughter's husband.

7th eel. One whole eel to his married daughter.

This custom may be supposed to show the ordinary household group, and the order of their relative nearness to Ego. It foots up himself and wife, wife's mother and sister, his sons and daughters, his brother's sons and daughters, and his daughter's husband. It implies also other members of the household, who are obliged to take care of themselves: viz. his brothers and sisters.]

CHAPTER IV.

USAGES AND CUSTOMS WITH RESPECT TO LANDS AND TO FOOD

THE OWNERSHIP OF LANDS IN COMMON.

Among the Iroquois the tribal domain was held and owned by the tribe in common. Individual ownership, with the right to sell and convey in fee-simple to any other person, was entirely unknown among them. It required the experience and development of the two succeeding ethnical periods to bring mankind to such a knowledge of property in land as its individual ownership with the power of alienation in fee-simple implies. No person in Indian life could obtain the absolute title to land, since it was vested by custom in the tribe as one body; and they had no conception of what is implied by a legal title in severalty with power to sell and convey the fee. But he could reduce unoccupied land to possession by cultivation, and so long as he thus used it he had a possessory right to its enjoyment which would be recognized and respected by his tribe. Gardens planting-lots, apartments in a long-house, and, at a later day, orchards of fruit were thus held by persons and by families. Such possessory right was all that was needed for their full enjoyment and for the protection of their interest in them. A person might transfer or donate his rights to other persons of the same tribe, and they also passed by inherence, under established customs, to his gentile kin. This was substantially the Indian system in respect to the ownership of lands and apartments in houses among the Indian tribes within the areas of the United States and British America in the Lower Status of barbarism. In later times, when the State or National Government acquired Indian lands and made compensation therefor, payment for the lands went to the tribe, and for improvements to the individual who had the possessory right. At the Tonawanda Reservation of the Seneca-Iroquois, a portion of the lands are divided into separate farms, which are fenced and occupied in severalty, while the remainder are owned by the tribe in common. When a young man marries and has no land on which to subsist, the chiefs may allot him a portion of these reserved lands. The title to all these lands, occupied and unoccupied, remains in the tribe in common. Individuals may sell or

rent their possessory rights to each other, or rent them to a white man. No white man can now acquire a title from an Indian to Indian lands in any part of the United States. A person could transfer his possessions to another, but apartments in a house must remain to his gentile kindred. In the time of James II the right to acquire lands was vested in the Crown exclusively as a royal prerogative, to which prerogative our State and National Governments succeeded.

The same usages prevail on the Tuscarora Reservation, near the Niagara River, where this Iroquois tribe owns in common about 8,000 acres of fine agricultural land in one body. A part of this reservation has long been parceled out to individuals in small farms, fenced, and cultivated by the possessors. The remainder is unparceled and under the control of the chiefs. The people are allowed to remove from the wood-land of the reserve the dead wood and litter but are not permitted to touch the standing timber. When a young man marries, if he has no land the chiefs allot him forty acres to cultivate for his subsistence; but, before giving him possession, the lot is first open to all the tribe to cut off the timber for fire-wood. Thus the double object is gained of supplying the people with fire-wood and of clearing the land for cultivation for the new family. These possessory rights pass by inheritance to the recognized heirs. A person may transfer or rent his possession to another person; he may rent to a white man, but in no case can he sell to a white man.

And here I may be allowed a brief digression, to notice a recent opinion of the late Secretary of the Interior, Hon. Carl Schurz, shared in to some extent by the National Government, in relation to the division of our Indian reservations into lots or tracts, and their conveyance in severalty to the Indians themselves, with power of alienation to white men after a short period, say twenty-five years. It is to be hoped that this policy will never be adopted by any National Administration, as it is fraught with nothing but mischief to the Indian tribes. The Indian is still, as he always has been, and will remain for many years to come, entirely incapable of meeting the white man, with safety to himself, in the field of trade and of resisting the arts and inducements which would be brought to bear upon him. He is incapable of steadily attaching that value to the ownership of land which its importance deserves, or of knowing how far the best interests of himself and family are involved in its continued possession. The result of individual Indian ownership, with power to sell, would unquestionably be, that in a very short

time he would divest himself of every foot of land and fall into poverty. The case of the Shawnee tribe of Kansas affords a perfect illustration of this pernicious policy. The Shawnees were removed to Kansas under the Jackson policy, so called, and occupied a splendid reservation on the Kansas River, where they were told they were to make their home forever. But after a few years of undisturbed possession, our people, in the natural flow of population, reached Kansas, where they found the Shawnees in possession of the best part of what has since been the State of Kansas. Our people at once wanted these Indian lands, and they determined to root out the Shawnees in the interest of civilization and progress. They accomplished this result in the most speedy and scientific manner, using as their proposed lever this identical plan since adopted by Mr. Schurz. First, the government was induced to re-purchase a part of the reservation on the ground that they had more land than they needed for cultivation; and, secondly, the government induced the Indians to have the remainder divided up into farms and conveyed to heads of families in severalty, with power of alienation. In 1859, when this scheme was being worked out, I visited Kansas, and found the Shawnee's cultivating and improving their farms, some of which embraced a thousand acres, and owning them, too, like other farmers. When next in Kansas, ten years later, the work was done. There was not a Shawnee in Kansas, but American farmers were in possession of all these lands. It was this individual ownership with power to sell that had done the work.

In managing the affairs of our Indian tribes, we must apply a little common sense to their condition. In their brains they are in the same stage of growth and development with our remote forefathers when they learned to domesticate animals, and, came to rely upon a meat and milk subsistence. The next condition of advancement at which the Indian would naturally reach is the pastoral, the raising of flocks and herds of domestic animals. The Indian has taught himself to raise the horse in herds, and some of the tribes raise sheep and goats. A few of them raise cattle. If the government could assist them in this until they were started, they would soon become expert herdsmen; would make a proper use of the unoccupied prairie area in the interior of the continent as well as of the reservations, and would become prosperous and abundant in their resources.

Among the sedentary Village Indians of New Mexico, who were in the Middle Status of barbarism, the land system is much the same in principle,

but with special usages adapted to a more advanced condition. At Taos, the pueblo lands are held under a Spanish grant of 1689, covering four Spanish square leagues. This grant was afterward confirmed, as I am informed by David J. Miller, esq., of the surveyor-general's office at Santa Fe, by letters patent of the United States. It is, of course, to the Taos Indians in common as a tribe, and without the power of alienation except among themselves. These lands have been allotted from time to time to individuals, and held in severalty for cultivation; but these allotments, so to call them, are verbal, and the rights of persons to their possession are settled and adjusted by the chiefs in case of disputes. Mr. Miller wrote me from Taos, under date of December 5, 1877, that "A land-owner cannot, under any circumstance, sell to any but a Pueblo Indian, and one of this (Taos) pueblo. If he should do so he would be banished the pueblo, and the sale be treated as void." There is an instance now in this pueblo of a San Juan Indian man married here, but he is not allowed to acquire land in the pueblo premises. His wife has lands which he cultivates. A piece of land belonging to a man may or may not be utilized by him, but it is recognized and treated as his in fee until he sell it or dies. If a lad grows up and marries, and his father or father-in-law has no land to give him, he may purchase in the pueblo, or the pueblo may assign him land, whereby the title in fee as private property remains in him until he sells or dies. When he dies it is divided equally among widow and children. If the children are small, his brother or other relatives cultivate the land for them until they can do it for themselves; but the right of property is in the children. When a piece of land is sold it is done in the presence of witnesses, if it is so desired. Oftener the sale and transfer are made by and between the parties themselves. No documents are used. This is so in all the pueblos. The rules and customs in the sale and delivery of rooms in a house and of personal property, such as animals, are the same. There is no preference, as to males or females, in the descent of property rights and titles. There is a corn-field at each pueblo, cultivated by all in common, and when grain is scarce the poor take from this store after it is housed. It is in the charge of, and at the disposal of, the cacique (called the governor). Land cannot be sold to an alien; but an Indian coming from another pueblo to live at this may acquire land to subsist upon, though such immigration is rare. It is not allowed at any of the pueblos that a white person acquire property therein. An Indian woman is not allowed to marry a Mexican and live at the pueblo. A piece of land held and recognized as belonging to a person is his

property, whether he utilizes it or not, and he may sell or donate it absolutely at his will to persons within the community.

"At Jemes and Zia (other pueblos in New Mexico), when a woman dies her property goes into the control of her husband; if a widow, it descends to her children; if she has no children, it goes to her brothers and sisters equally; and if none survive her, then to her nearest relatives; if she has no relatives, then to such friends as attend her in her last illness. It never reverts to the pueblo, which as a corporate community owns no land."

What Mr. Miller refers to as property rights and titles, and ownership in fee of land, is sufficiently explained by the possessory right found among the Northern tribes. The limitations upon its alienation to an Indian from another pueblo or to a white man, not to lay any stress upon the absence of written conveyances of titles made possible by Spanish and American intercourse, show quite plainly that their ideas respecting the ownership of the ultimate title to land, with power to alienate in fee, were entirely below this conception of property in land. The more important ends of individual ownership were obtained through the possessory right, while the ultimate title remained in the tribe for the protection of all. That the pueblo now owns no land, as Mr. Miller states, must be understood to mean that all the lands of the original grant have been parcelled out. The further statement of Mr. Miller, that if a father dies his land is divided between his widow and children, and that if a mother dies, leaving no husband, her land is divided equally between her sons and daughters, is important, because it shows an inheritance by the children from both father and mother, a total departure from the principles of gentile inheritance. While visiting the Taos pueblo in the summer of 1878 I was unable to find among them the gentile organization, and from lack of sufficient time could not inquire into their rules of descent and inheritance.

My friend, Mr. Ad. F. Bandelier, now recognized as our most eminent scholar in Spanish American history, has recently investigated the subject of the tenure of lands among the ancient Mexicans with great thoroughness of research. The results are contained in an essay published in the Eleventh Annual Report of the Peabody Museum of Archaeology and Ethnology, p. 385 (Cambridge, 1878). It gives me great pleasure to incorporate verbatim in this chapter, and with his permission, so much of this essay as relates to the kinds or classes of land recognized among them, the manner in which they were held, and his general conclusions.

In the pueblo of Mexico (Tenochtitlan), he remarks, "Four quarters had been formed by the localizing of four relationships composing them respectively, and it is expressly stated that each one might build in its quarter (barrio) as it liked." [Footnote: Duran (Cap V p. 42), Acosta (Lib. VII, cap. VII, p. 467), Herrera (Dec. III, Lib. II, cap. XI, p. 61).]

The term for these relationships, in the Nahuatl tongue, and used among all the tribes speaking it was 'calpulli.' It is also used to designate a great hall or house and we may therefore infer that, originally at least, all the members of one kinship dwelt under one common roof.

[Transcriber's Note: Lengthy footnote 1 relocated to chapter end.]

The ground thus occupied by the 'calpulli' was NOT, as Torquemada admits, assigned to it by a higher power; the tribal government itself held NO DOMAIN which it might apportion among subdivisions or to individuals, either gratuitously or on condition of certain prestations, or barter against a consideration. [Footnote: The division into "quarters" is everywhere represented as resulting from common consent. But nowhere is it stated that the tribal government or authority assigned locations to any of its fractions. This is only attributed to the chiefs, on the supposition that they, although elective, were still hereditary monarchs.]

The tribal territory was distributed, at the time of its occupancy, into possessory rights held by the KINDRED GROUPS AS SUCH, by common and tacit consent, as resulting naturally from their organization and state of culture.

[Transcriber's Note: Lengthy footnote 2 relocated to chapter end.]

The patches of solid ground, on which these 'quarters' settled, were gradually built over with dwellings, first made out of canes and reeds, and latterly, as their means increased, of turf, 'adobe', and light stone. These houses were of large size, since it is stated that even at the time of the conquest 'there were seldom less than two, four, and six dwellers in one house; thus there were infinite people (in the pueblo) since, as there was no other way of providing for them, many aggregated together as they might please.' Communal living, as the idea of the 'calpulli' implies, seems, therefore, to have prevailed among the Mexicans as late as the period of their greatest power.

[Transcriber's Note: Lengthy footnote 3 relocated to chapter end.]

"The soil built over by each 'calpulli' probably remained for some time the only solid expanse held by the Mexicans. Gradually, however, the

necessity was felt for an increase of this soil. Remaining unmolested 'in the midst of canes and reeds,' their numbers had augmented, and for residence as well as for food a greater area was needed. Fishing and hunting no longer satisfied a people whose original propensities were horticultural; they aspired to cultivate the soil as they had once been accustomed to, and after the manner of the kindred tribes surrounding them. For this purpose they began throwing up little artificial garden beds, 'chinampas,' on which they planted Indian corn and perhaps some other vegetables. Such plots are still found as 'floating gardens,' in the vicinity of the present city of Mexico and they are described as follows by a traveler of this century:

"They are artificial gardens about fifty or sixty yards long, and not more than four or five wide. They are separated by ditches of three or four yards, and are made by taking the soil from the intervening ditch and throwing it on the chinampa, by which means the ground is raised generally about a yard, and thus forms a small fertile garden, covered with the finest culinary vegetables, fruits, and flowers…."

"Each consanguine relationship thus gradually surrounded the surface on which it dwelt with a number of garden plots sufficient to the wants of its members. The aggregate area thereof, including the abodes, formed the 'calpullalli'—soil of the 'calpulli'—and was held by it as a unit; the single tracts, however, being tilled and used for the benefit of the single families. The mode of tenure of land among the Mexicans at that period was therefore very simple. The tribe claimed its territory, 'altephetlalli,' an undefined expanse over which it might extend—the 'calpules,' however, held and possessed within that territory such portions of it as were productive; each 'calpulli' being sovereign within its limits, and assigning to its individual members for their use the minor tracts into which the soil was parcelled in consequence of their mode of cultivation. If, therefore, the terms 'altepetlalli' and 'calpulalli' are occasionally regarded as identical, it is because the former indicates the occupancy, the latter the distribution of the soil. We thus recognize in the calpulli, or kindred group, the unit of tenure of whatever soil the Mexicans deemed worthy of definite possession. Further on we shall investigate how far individuals, as members of this communal unit, participated in the aggregate tenure." [Footnote: Alonzo de Zurita (p. 51). Ixtlilxochitl ("Hist. des Chichim," cap. XXXV, p. 242). Torquemada (Lib. XIV, cap. VII, p. 545). Bustamante ("Tezcoco en los ultimos Tiempos de sus antiguas Reyes" p 232).]

"In the course of time, as the population further increased, segmentation occurred within the four original 'quarters,' new 'calpulli' being formed."

[Transcriber's Note: Lengthy footnote 4 relocated to chapter end.]

For governmental purposes this segmentation produced a new result by leaving, more particularly in military affairs, the first four clusters as great subdivisions. [Footnote: "Art of War, etc.," pp. 115 and 120.]

But these, as soon as they had disaggregated, ceased to be any longer units of territorial possession, their original areas being held thereafter by the 'minor quarters' (as Herrera, for instance, calls them), who exercised, each one within its limits, the same sovereignty which the original 'calpulli' formerly held over the whole.

[Transcriber's Note: Lengthy footnote 5 relocated to chapter end.]

A further consequence of this disaggregation was (by removing the tribal council farther from the calpules) the necessity for an official building, exclusively devoted to the business of the whole tribe alone.

[Transcriber's Note: Lengthy footnote 6 relocated to chapter end.]

This building was the 'teepan' called, even by Torquemada, 'house of the community'; it was, therefore, since the council of chiefs was the highest authority in the government, the 'council house' proper. It was erected near the center of the 'pueblo,' and fronting the open space reserved for public celebrations. But, whereas formerly occasional, gradually merging into regular, meetings of the chiefs were sufficient, constant daily attendance at the 'teepan' became required, even to such an extent that a permanent residence of the head-chief there resulted from it and was one of the duties of the office. Consequently the 'tlacatecuhtli, his family, and such assistants as he needed (like runners), dwelt at the 'official house.' But this occupancy was in no manner connected with a possessory right by the occupant, whose family relinquished the abode as soon as the time of office expired through death of its incumbent. The 'teepan' was occupied by the head war-chiefs only as long as they exercised the functions of that office. [Footnote: Nearly every author who attempts to describe minutely the "chief-house" (teepan) mentions it as containing great halls (council-rooms). See the description of the teepan of Tezcuco by Ixtlilxochitl ("Hist. des Chichimbuques," cap. XXXVI, p. 247)]

"Of those tracts whose products were exclusively applied to the governmental needs of the pueblo or tribe itself (taken as an independent unit) there were, as we have already seen, two particular classes:

"The first was the 'teepan-tlalli,' land of the house of the community, whose crops were applied to the sustenance of such as employed themselves in the construction, ornamentation, and repairs of the public house. Of these there were sometimes several within the tribal area. They were tilled in common by special families who resided on them, using the crops in compensation for the work they performed on the official buildings.

"The second class was called 'tlatoca-tlalli,' land of the speakers. Of these there was but one tract in each tribe, which was to be 'four hundred of their measures long on each side, each measure being equal to three Castilian rods."

[Footnote: Ixtlilxochitl ("Hist. des Chichim," cap. XXXV, p. 242). Vedia (Lib. III, cap. VI, p. 195). "This had to be four hundred of their measures in square ('encuadro,' each side long), each one of these being equal to three Castilian rods"…. See "Art of War" (p. 944, note 183). "The rod" (vara) is equal to 2.78209 feet English (Guyot).]

The crops raised on such went exclusively to the requirements of the household at the 'teepan,' comprising the head-chief and his family with the assistants. The tract was worked in turn by the other members of the tribe, and it remained always public ground, reserved for the same purposes. [Footnote: Veytia (Lib. III, cap. VI, p. 195). It is superfluous to revert to the erroneous impression that the chiefs might dispose of it.]

Both of these kinds were often comprised in one, and it is even not improbable that the first one may have been but a variety of the general tribute-lands devoted to the benefit of the conquering confederates. Still the evidence on this point is too indefinite to warrant such an assumption.

While the crops raised on the 'teepan-tlalli,' as well as on the 'tlatoca-tlalli,' were consumed exclusively by the official houses and households of the tribe, the soil itself which produced these crops was neither claimed nor possessed by the chiefs themselves or their descendants. It was simply, as far as its products were concerned, official soil.

[Transcriber's Note: Lengthy footnote 7 relocated to chapter end.]

The establishing and maintaining of these areal subdivisions was very simple with the tribes of the mainland, since they all possessed ample territories for their wants and for the requirements of their organizations. Their soil formed a contiguous unit. It was not so, however, with the Mexicans proper. With all their industry in adding artificial sod to the patch

on which they had originally settled, the solid surface was eventually much too small for their numbers, and they themselves put an efficient stop to further growth thereof by converting, as we have seen elsewhere, for the purpose of defence, their marshy surroundings into water-sheets, through the construction of extensive causeways. [Footnote: "Art of War" (pp. 150 and 151). L. H. Morgan ("Ancient Society," Part II, cap. VII, pp. 190 and 191)].

While the remnants of the original 'teepantlalli' and of the 'tlatocatlalli' still remained visible in the gardens, represented to us as purely ornamental, which dotted the pueblo of Mexico, the substantial elements wherewith to fulfill a purpose for which they were no longer adequate had, in course of time, to be drawn from the mainland. But it was not feasible, from the nature of tribal condition, to extend thither by colonization. The soil was held there by other tribes, whom the Mexicans might well overpower and render tributary, but whom they could not incorporate, since the kinships composing these tribes could not be fused with their own. Outposts, however, were established on the shores, at the outlets of the dykes, at Tepeyacac on the north, at Iztapalapan, Mexicaltzinco, and at Huitzilopocheo to the south, but these were only military positions, and beyond them the territory proper of the Mexicans never extended.

[Footnote: Humboldt ("Essai politique sur la Nouvelle Espagne," Vol. II, Lib. III, cap. VIII, p. 50): Nearly all the old authors describe the pueblo buildings as surrounded by pleasure-grounds or ornamental gardens. It is very striking that, the pueblo having been founded in 1325, and nearly a century having been spent in adding sufficient artificial soil to the originally small solid expanse settled, the Mexicans could have been ready so soon to establish purely decorative parks within an area, every inch of which was valuable to them for subsistence alone!]

[Footnote: The Mexican tribe proper clustered extensively within the pueblo of Tenuchtitlan. The settlements at Iztapalapan, Huntzilopocheo, and Mexicaltzinco were but military stations— outworks, guarding the issues of the causeways to the South. Tepeyacac (Guadalupe Hidalgo) was a similar position—unimportant as to population—in the north. Chapultepec was a sacred spot, not inhabited by any number of people and only held by the Mexicans for burial purposes, and on account of the springs furnishing fresh water to their pueblo.]

Tribute, therefore, had to furnish the means for sustaining their governmental requirements in the matter of food, and the tribute lands had to be distributed and divided, so as to correspond minutely to the details of their home organization. For this reason we see, after the overthrow of the Tecpanecas, lands assigned apparently to the head war-chiefs, to the military chiefs of the quarters, 'from which to derive some revenue for their maintenance and that of their children.' [Footnote: Tezozomoc (Cap. XV, p. 24)1]

These tracts were but 'official tracts,' and they were apart from those reserved for the special use of the kinships. The latter may have furnished that general tribute which, although given nominally to the head war-chief, still was 'for all the Mexicans in common.'

The various classes of lands which we have mentioned were, as far as their tenure is concerned, included in the 'calpulalli' or lands of the kinships. Since the kin, or 'calpulli,' was the unit of governmental organization, it also was the unit of landed tenure. Clavigero says: 'The lands called altepetlalli, that is, those who belonged to the communities of the towns and villages, were divided into as many parts as there were quarters in a town, and each quarter held its own for itself, and without the least connection with the rest. Such lands could in no manner be alienated.' [Footnote: "Storia del Messico" (Lib. VII, cap. XVI).] These 'quarters' were the 'calpulli'; hence it follows that the consanguine groups held the altepetlalli or soil of the tribe.

"We have, therefore, in Mexico the identical mode of the tenure of lands which Polo de Ondogardo had noted in Peru and reported to the King of Spain, as follows…. 'Although the crops and other produce of these lands were devoted to the tribute, the land itself belonged to the people themselves. Hence a thing will be apparent which has not hitherto been properly understood. When any one wants land, it is considered sufficient if it can be shown that it belonged to the Inca or to the sun. But in this the Indians are treated with great injustice; for in those days they paid the tribute, and the land was theirs."

[Footnote: "Narratives of the Rites and Laws of the Yncas, translated from the original Spanish manuscripts, and edited by Clement R. Markham." Publication of the "Hackluyt Society," 1873. "Report of Polo de Ondegardo," who was "Regidor" of Cuzco in 1560, and a very important authority (see Prescott, "History of the Conquest of Peru," note to Book I,

cap. V). Confirmed by Garcia ("El Origen de los Indios," Lib. IV, cap, XVI, p. 162).] …

"The expanse held and occupied by the calpulli, and therefore called 'calpulalli' was possessed by the kin in joint tenure. It could neither be alienated nor sold; in fact, there is no trace of barter or sale of land previous to the conquest."

[Transcriber's Note: Lengthy footnote 8 relocated to chapter end.]

[Transcriber's Note: Lengthy footnote 9 relocated to chapter end.]

If, however, any calpulli weakened, through loss of numbers from any cause whatever, it might farm out its area to another similar group, deriving subsistence from the rent.

[Footnote: Zurita (p. 93): "In case of need it was permitted to farm out the lands of a calpulli to the inhabitants of another quarter." Herrera (Dec. III, lib. IV, cap, XV, p. 134): "They could be rented out to another lineage."]

If the kinship died out, and its lands therefore became vacant, then they were either added to those of another whose share was not adequate for its wants or they were distributed among all the remaining calpulli.' [Footnote: Zurita (p. 52): "When a family dies out, its lands revert to the calpulli, and the chief distributes them among such members of the quarter as are most in need of it."]

The calpulli was a democratic organization. Its business lay in the hands of elective chiefs—'old men' promoted to that dignity, as we intend to prove in a subsequent paper, for their merits and experience, and after severe religious ordeals. These chiefs formed the council of the kin or quarter, but their authority was not absolute, since on all important occasions a general meeting of the kindred was convened. [Footnote: Zurita (pp. 60, 61, 62). Ramirez de Fuenleal ("Letter," etc., Ternaux-Compaus, p. 249).]

The council in turn selected an executive, the 'calpullec' or 'chinancallec,' who in war officiated as 'achcacauhtin' or 'teachcauhtin' (elder brother).

[Transcriber's Note: Lengthy footnote 10 relocated to chapter end.]

This office was for life or during good behavior. [Footnote: Zurita (pp. 60 and 61). Herrera (Dec. III, Lib. IV, cap. XV, p. 125): "I le elegian entre si y tenian por maior."]

It was one of his duties to keep a reckoning of the soil of the calpulli, or 'calpulalli,' together with a record of its members, and of the areas assigned to each family, and to note also whatever changes occurred in their distribution.

[Transcriber's Note: Lengthy footnote 11 relocated to chapter end.]

Such changes, if unimportant, might be made by him; more important ones, or contested cases, had to be referred to the council of the kinship, which in turn often appealed to a gathering of the entire quarter. [Footnote: Zurita "Rapport," etc., pp. 56 and 62. We quote him in preference, since no other author known to us has been so detailed.]

The 'calpulalli' was divided into lots or arable beds, 'tlalmilli'.

[Footnote: "Tlalmilli: tierras, a heredades de particulares, que estan juntas en alguna vega" (Molina, Part IIa, p. 124).] These were assigned each to one of the married males of the kinship, to be worked by him for his use and that of his family. If one of these lots remained unimproved for the term of two consecutive years, it fell back to the quarter for redistribution. The same occurred if the family enjoying its possession removed from the calpulli. But it does not appear that the cultivation had always to be performed by the holders of the tract themselves. The fact of improvement under the name of a certain tenant was only required to insure this tenant's rights.

[Transcriber's Note: Lengthy footnote 12 relocated to chapter end.]

Therefore the chiefs and their families, although they could not, from the nature of their duties, till the land themselves, still could remain entitled to their share of 'tlalmilpa' as members of the calpulli. Such tracts were cultivated by others for their use. They were called by the specific name of 'pillali' (lands of the chiefs or of the children, from 'piltontli,' boy, or 'piltzintli', child), and those who cultivated them carried the appellation of 'tlalmaitl'—hands of the soil.

[Transcriber's Note: Lengthy footnote 13 relocated to chapter end.]

The 'tlalmilpa,' whether held by chiefs or by ordinary members of the kin ('macehuales'), were, therefore, the only tracts of land possessed for use by individuals in ancient Mexico. They were so far distinguished from the 'tecpantlalli' and 'tlatocatlalli' in their mode of tenure as, whereas the latter two were dependent from a certain office, the incumbent of which changed at each election, the 'tlalmilli' was assigned to a certain family, and its possession, therefore, connected with customs of inheritance.

Being thus led to investigate the customs of Inheritance of the ancient Mexicans, we have to premise here, that the personal effects of a deceased can be but slightly considered. The rule was, in general, that whatever a man held descended to his offspring.

[Transcriber's Note: Lengthy footnote 14 relocated to chapter end.]

Among most of the northern Indians a large cluster participated.

[Transcriber's Note: Lengthy footnote 15 relocated to chapter end.]

In conformity with the organization of society based upon kin, when in the first stage of its development, the kindred group inherited, and the common ancestor of this kin being considered a female, it follows that if a man died, not his children, still less his wife, but his mother's descendants, that is, his brothers, sisters, in fact the entire consanguine relationship from which he derived on his mother's side, were his heirs. [Footnote: "Ancient Society" (Part II, cap. II, p. 75; Part IV, cap. I, pp. 528, 530, 531, 536, and 537).] Such may have been the case even among the Muysca of New Granada.

[Footnote: Gomara ("Historia de las Indios," Vedia I, p. 201). Garcia ("Origen de los Indios," Lib. IV, cap. 23, p. 247). Piedrahita (Parte 1, Lib. I, cap. 5, p. 27). Joaquin Acosta ("Compredio historico del Descumbrimiento y Colonisazion de la Nueva-Granada," Cap. XI, p. 201). Ternaux-Compans ("L'ancien Cundinamarca," pp. 21 and 38).]

It was different, however, in Mexico, where we meet with traces of a decided progress. Not only had descent been changed to the male line, [Footnote: Motolinia (Trat. II, cap. V, p. 120). Gomara (p. 434). Clavigero (Lib. VII, cap XIII). Zurita (pp. 12 and 43).] but heirship was limited, to the exclusion of the kin and of the agnates themselves, to the children of the male sex.

[Transcriber's Note: Lengthy footnote 16 relocated to chapter end.]

Whatever personal effects a father left, which were not offered up in sacrifice at the ceremonies of his funeral, they were distributed among his male offsprings, and if there were none, they went to his brothers. Females held nothing whatever, beyond their wearing apparel and some few ornaments for personal use.

[Footnote: Motolinia (Trat. II, cap. V, p. 120). Torquemada (Lib. XIII, cap. XLII to XLVIII, pp. 515 to 529). Acosta (Lib. V, cap. VIII, pp. 320, 321, and 322). Gomara (pp. 436 and 437, Vedra, I). Mendieta (Lib. II, cap. XL, pp. 162 and 163). Clavigero (Lib. VI, cap. XXXIX). "They burnt the clothes, arrows, and a portion of household utensils … "]

The 'tlalmilli' itself, at the demise of a father, went to his oldest son, with the obligation to improve it for the benefit of the entire family until the

other children had been disposed of by marriage.

[Footnote: Gomara ("Conq. de Mejico", p. 434): "It is customary among tributary classes that the oldest son shall inherit the father's property, real and personal, and shall maintain and support all the brothers and nephews, provided they do what he commands them. The reason why they do not partition the estates is in order not to decrease it through such a partition…." Simancas M. S. S. ("Recueil," etc., etc., p. 224): "Relative to the calpulalli … the sons mostly inherited."]

But the other males could apply to the chief of the calpulli for a 'tlalmilli' of their own; the females went with their husbands. Single blessedness, among the Mexicans, appears to have occurred only in case of religious vows, and in which case they fell back for subsistence upon the part allotted to worship, or in case of great infirmities, for which the calpulli provided.

[Footnote: Zurita (p. 55): "He who has no land applies to the chief of the tribe (calpulli), who, upon the advice of the other old men, assigns to him a tract suitable for his wants, and corresponding to his abilities and to his strength." Herrera (Dec. III, Lib. IV, cap. XV, p. 135).]

[Footnote: Such unmarried females were the "nuns" frequently mentioned by the old writers. We shall have occasion to investigate the point in our paper on "The ancient Mexican priesthood." As attendants to worship, they participated in the tributes furnished towards it by each calpulli, of which we have spoken.]

No mention is made of the widow participating in the products of the 'tlalmilli,' still it is presumable that she was one of those whom the oldest son had to support. There are indications that the widow could remarry, in which case her husband, of course, provided for her.

"The customs of Inheritance, as above reported, were the same with chiefs as well as with the ordinary members of the tribe. Of the personal effects very little remained, since the higher the office was which the deceased had held, the more display was made at his cremation, and consequently the more of his dresses, weapons, and ornaments were burnt with the body. Of lands, the chiefs only held each their 'tlalmilli' in the usual way, as members of their kin, whereas the other 'official' lots went to the new incumbents of the offices. It should always be borne in mind that none of these offices were hereditary themselves. Still, a certain 'right of succession' is generally admitted as having existed. Thus, with the Tezcucans, the office of head war-chief might pass from father to son, at Mexico from brother to brother,

and from uncle to nephew." [Footnote: Zurita (p. 12). Gomara (Vedia I, p. 434). Torquemada (Lib. IX, cap. IV, p. 177; Lib. XI, cap. 27, p. 356, etc. etc.).]

[Footnote: This fact is too amply proven to need special references. We reserve it for final discussion in our proposed paper on the chiefs of the Mexicans, and the duties, powers and functions of their office.]

This might, eventually, have tended to perpetuate the office in the family, and with it also the possession of certain lands, attached to that officer's functions and duties. But it is quite certain too that this stage of development had not yet been reached by any of the tribes of Mexico at the time of its conquest by the Spaniards. The principal idea had not yet been developed, namely, that of the domain, which, in eastern countries at least, gradually segregated into individually hereditary tenures and ownerships.

"Out of the scanty remains thus left of certain features of aboriginal life in ancient Mexico, as well as out of the conflicting statements about that country's early history, we have now attempted to reconstruct the conceptions of the Mexican aborigines about tenure of lands, as well as their manner of distribution thereof. Our inquiries seem to justify the following conclusions:

"1. The notion of abstract ownership of the soil, either by a nation or state, or by the head of its government, or by individuals, was unknown to the ancient Mexicans.

"2. Definite possessory right was vested in the kinships composing the tribe; but the idea of sale, barter, or conveyance or alienation of such by the kin had not been conceived.

"3. Individuals, whatever might be their position or office, without any exception, held but the right to use certain defined lots for their sustenance, which right, although hereditary in the male line, was nevertheless limited to the conditions of residence within the area held by the kin, and of cultivation either by or in the name of him to whom the said lots were assigned.

"4. No possessory rights to land were attached to any office or chieftaincy. As members of a kin, each chief had the use of a certain lot, which he could rent or farm to others, for his benefit.

"5. For the requirements of tribal business, and of the governmental features of the kinships (public hospitality included), certain tracts were set apart as official lands, out of which the official households were supplied

and sustained; but these lands and their products were totally independent from the persons or families of the chiefs themselves.

"6. Conquest of any tribe by the Mexicans was not followed by an annexation of that tribe's territory, nor by an apportionment of its soil among the conquerors. Tribute was exacted, and, for the purpose of raising that tribute (in part), special tracts were set off; the crops of which were gathered for the storehouses of Mexico.

"7. Consequently, as our previous investigations (of the warlike institutions and customs of the ancient Mexicans) have disproved the generally received notion of a military despotism prevailing among them, so the results of his review of Tenure and distribution of lands tend to establish 'that the principle and institution of feudality did not exist in aboriginal Mexico.'"

Among the Peruvians their land system was probably much the same as among the ancient Mexicans. But according to Garcilapo de la Vega, they had carried their system with respect to lands a little farther. Their lands, he remarks, were "divided into three parts and applied to different uses. The first was for the Sun, his priests and ministers; the second was for the King, and for the support and maintenance of his governors and officers…. And the third was for the natives and sojourners of the provinces, which was divided equally according to the needs which each family required." [Footnote: Royal Commentaries of Peru, Lond. ed., 1688. Rycaut, trans., p. 154.]

While these several statements may not present the exact case in all respects in Peru, Mexico, or among the Northern Indian tribes, they sufficiently indicate the ownership of land by communities of persons, larger or smaller, with a system of tillage that points to large households. Neither the Peruvians, nor the Aztecs, nor any Indian tribe had attained to a knowledge of the ownership of land in severalty in fee simple at the period of their discovery. This knowledge belongs to the period of civilization. There is not the slightest probability that any Indian, whether Iroquois, Mexican, or Peruvian, owned a foot of land that he could call his own, with power to sell and convey the same in fee simple to whomsoever he pleased.

THE CUSTOM OF HAVING BUT ONE PREPARED MEAL EACH DAY—A DINNER—AND THEIR SEPARATION AT MEALS, THE MEN EATING FIRST AND THE WOMEN AND CHILDREN AFTERWARDS.

This was the usage among the Indian tribes in the Lower Status of barbarism. In the Middle Status there seems to have been more method and regularity of life, but no change in their customs with respect to food, so marked in character that we are forced to recognize a new plan of domestic life among them. The Iroquois had but one cooked meal each day. It was as much as their resources and organization for housekeeping could furnish, and was as much as they needed. It was prepared and served usually before the noon-day hour, ten or eleven o'clock, and may be called a dinner. At this time the principal cooking for the day was done. After its division at the kettle, among the members of the household, it was served warm to each person in earthen or wooden bowls. They had neither tables, nor chairs, nor plates, in our sense, nor any room in the nature of a kitchen or a dining room, but ate each by himself, sitting or standing, and where most convenient to the person. They also separated as to the time of eating, the men eating first and by themselves, and the women and children afterwards and by themselves. That which remained was reserved for any member of the household when hungry. Towards evening the women cooked hominy, the maize having been pounded into bits the size of a kernel of rice, which was boiled and put aside to be used cold as a lunch in the morning or evening, and for the entertainment of visitors. They had neither a formal breakfast nor a supper. Each person, when hungry, ate of whatever food the house contained. They were moderate eaters. This is a fair picture of Indian life in general in America, when discovered. After intercourse commenced with whites, the Iroquois gradually began to adopt our mode of life but very slowly. One of the difficulties was to change the old usage and accustom themselves to eat together. It came in by degrees, first with the breaking up of the old plan of living together in numbers in the old long-houses, and with the substitution of single houses for each family, which ended communism and living in the large household, and substituted the subsistence of a single family through individual effort. After many years came the use of the table and chairs among the more advanced families of the Iroquois tribes. There are still upon the Iroquois reservations in this State many log homes or cabins with but a single room on the ground floor and a loft above, with neither a table or chair in their scanty furniture. A portion of them still live very much in the old style, with perhaps two

regular meals daily instead of one. That they have made this much of change in the course of two centuries must be accounted remarkable, for they have been compelled, so to speak, to jump one entire ethnical period, without the experience or training of so many intervening generations, and without the brain-growth such a change of the plan of domestic life implies, when reached through natural individual experience. There is a tradition still current among the Seneca-Iroquois, if the memory of so recent an occurrence may be called traditional, that when the proposition that man and wife should eat together, which was so contrary to immemorial usage, was first determined in the affirmative, it was formally agreed that man and wife should sit down together at the same dish and eat with the same ladle, the man eating first and then the woman, and so alternately until the meal was finished.

The testimony of such writers as have noticed the house-life of the Indian tribes is not uniform in respect to the number of meals a day. Thus Catlin remarks, "As I have before observed these men (the Mandans) generally eat but twice a day, and many times not more than once, and these meals are light and simple…. The North American Indians, taking them in the aggregate, even when they have an abundance to subsist on, eat less than any civilized population of equal numbers that I have ever traveled among." [Footnote: North American Indians, Philadelphia ed., 1857, i, 203.]

And Heckewelder, speaking of the Delawares and other tribes, says: "They commonly make two meals every day, which they say is enough. If any one should feel hungry between meal-times, there is generally something in the house ready for him."

[Footnote: Indian Nations, 193.] Adair contents himself with stating of the Chocta and Cherokee tribes that "they have no stated meal time."

[Footnote: History of the American Indian, Lond. ed., 1775, p. 17.]

There was doubtless some variation in different localities, and even in the same household; but as a general rule, from what is known of their mode of life, one prepared meal each day expresses very nearly all the people in this condition of society can do for the sustenance of mankind.

Although the sedentary Village Indians were one ethnical period in advance of the Northern Indians, there can be but little doubt that their mode of life in this respect was substantially the same. Among the Aztecs or ancient Mexicans a dinner was provided about midday, but we have no satisfactory account of a breakfast or a supper habitually and regularly

prepared. Civilization, with its diversified industries, its multiplied products, and its monogamian family, affords a breakfast and supper in addition to a dinner. It is doubtful whether they are older than civilization; and even if they can be definitely traced backward into the older period of barbarism, there is little probability of their being found in the Middle period. Clavigero attempts to invest the Aztecs with a breakfast, but he was unable to find any evidence of a supper. "After a few hours of labor in the morning," he observes, "they took their breakfast, which was most commonly atolli, a gruel of maize, and their dinner after midday; but among all the historians we can find no mention of their supper." [Footnote: History of Mexico, ii, 262.]

The "gruel of maize" here mentioned as forming usually the Aztec breakfast suggests the "hominy of the Iroquois," which, like it, was not unlikely kept constantly prepared in every Mexican house as a lunch for the hungry. Two meals each day are mentioned by other Spanish authors, but as the Aztecs, as well as the tribes in Yucatan and Central America, were ignorant of the use of tables and chairs in eating their food, divided their food from the kettle, placing the dinner of each person usually in a separate bowl, and separated at their meals, the men eating first and by themselves, and the women and children afterwards, this similarity of usage renders it probable they were not far removed from the Iroquois in respect to the time and manner of taking their food. Montezuma's dinner, witnessed by Bernal-Diaz and others, and elaborately described by a number of authors, shows that the Aztecs had a smoking hot dinner each day, prepared regularly, and on a scale adequate to a large household; that the dinner of each person was placed in one bowl, and all these bowls to the number of several hundred were brought in and set down together upon the floor of one room, where they were taken up one by one by the male members of the household, and the contents eaten sitting down upon the floor or standing in the open court, as best suited them. The breakfast that preceded it, and the supper that follows, are not mentioned, from which we infer that there was neither a breakfast nor a supper for these inquisitive observers to see. Neither is the subsequent dinner of the women and children of the household mentioned, from which it may be inferred that as the men ate their dinner first in a particular hall by themselves, the women and children took their dinner later in another hall, not seen by the Spaniards.

In the accounts of Montezuma's dinner a cook-house or kitchen is mentioned, in which the dinner for the large household of the "Tecpan" or "official house," so fully explained above by Mr. Bandelier, was prepared. This kitchen, and the use of another room, where the bowls containing the dinner of each person separately were set down on the floor in a mass by themselves—an incipient dining-room—make their first appearance in the Middle Status of barbarism. But, as will be noticed, they are but rude realizations of the kitchen and dining-room of civilized man. The pueblo houses in Yucatan and Chiapas, now in ruins, are without chimneys, from which it may be inferred that no cooking was done within them. At Uxmal we recognize in the Governor's House, the Tecpan or official-house, and in the House of the Nuns, and other structures which formed the pueblo, the joint-tenement houses in which the body of the tribe resided. If the truth of the matter is ever ascertained, it will probably be found that the dinner for each household group, consisting of several families, was prepared in a common cook-house outside of the main structure, and that it was divided at the kettle to the individuals of each household.

The separation of the sexes at their meals has been sufficiently referred to among the Iroquois. Robertson states the usage as general. "They must approach their lords with reverence; they must regard them as more exalted beings, and are not permitted to eat in their presence." [Footnote: History of America, New York ed., 1856, 178.]

Catlin the same: "These women, however, although graceful and civil, and ever so beautiful, or ever so hungry, are not allowed to sit in the same group with the men while at their meals. So far as I have yet traveled in the Indian country, I have never seen an Indian woman eating with her husband. Men form the first group at the banquet, and women and children and dogs all come together at the next." [Footnote: North American Indians, i, 202.] And Adair "for the men feast by themselves and the women eat the remains." [Footnote: History of the American Indians, p. 140.]

Herrera remarks that "the woman of Yucatan are rather larger than the Spanish and generally have good faces … but they would formerly be drunk at their festivals, though they did eat apart." [Footnote: History of America, iv, 175.] And Sahagun, speaking of the ceremony of baptism among the Aztecs, observes that "to the women, who ate apart, they did not give cacao to drink." [Footnote: Historia General, lib. iv, 36]

With these general references to the universality of the practice on the part of the men of eating first, and leaving the women and children to come afterwards, according to the manners of barbarism, we leave the subject.

[Relocated Footnote 1: Torquemada (Lib. II, cap. LXVIII, p. 194) "Estaba de ordinario, recogido en una grande Sala (el calpul)." (Lib. III, cap. XXVII, p. 305. Lib. IV, cap. XIX, p. 396) (que asi llaman las Salas grandes de Comunidad, o de Cabildo). We find, under the corrupted name of "galpon," the "calpulli" in Nicaragua among the Niquirans, which speak a dialect of the Mexican (Nahuatl) language. See E. G. Squier ("Nicaragua," Vol. II, p. 342). "The council-houses were called grepons, surrounded by broad corridors called galpons, beneath which the arms were kept, protected by a guard of young men". Mr. Squier evidently bases upon Oviedo ("Hist. general," Lib. XLII, cap. III, p. 52). "Esta casa de cabildo llaman galpon…." It is another evidence in favor of our statements, that the kinship formed the original unit of the tribe, and at the same time a hint that, as in New Mexico, originally, an entire kin inhabited a single large house. See Molina's Vocab. (p. 11).]

[Relocated Footnote 2: There is no evidence of any tribute or prestation due by the quarters to the tribe. The custom always remained, that the "calpulli" was sovereign within its limits. See Alonzo de Zunta ("Rapport sur les differentes classes de chefs de la Nouvelle-Espagne," pp. 51-65). Besides, Ixtlilxochitl says: ("Hist. des Chichim," cap. XXXV, p. 242), "Other fields were called Calpolalli or Altepetlalli." Now calpulalli (from "calpulli," quarter or kinship, and "tlalli," soil), means soil of the kin, and altepetalli ("altepetl," tribe), soil of the tribe. Clavigero even says that the lands called "altepetlalli," belonging to the communities "of the towns and villages, were divided into so many parts as there were quarters in the town, each quarter having its own, without the least connection with the other." (Lib. VII, cap. XIV.) This indicates plainly that the kinships held the soil, whereas the tribe occupied the territorial expanse. The domain, either as pertaining to a "lord," or to a "state", was unknown among the Indians in general. Even among the Peruvians, who were more advanced than the Mexicans in that respect, there was no domain of the tribe.]

[Relocated Footnote 3: See Torquemada (Lib. II, cap. XI, and Lib. III, cap. XXII). Duran (cap. V). The quotation is from Herrera (Dec. II, Lib. VII, cap. XIII, p. 190), and is confirmed by Torquemada (Lib. III, cap. XXIII, p. 291), and especially by Gomara ("Conquista de Mejico," p. 443.

Vedia, I.) "Many married people ('muchos casados') live in one house, either on account of the brothers and relations being together, as they do not divide their grounds ('heredades'), or on account of the limited space of the pueblos; although the pueblos are large, and even the houses." Peter Martyr of Angleria ("De Novo Orbe," translated by Richard Eden and Michael Lok, London, 1612, Dec. V, cap. X, p. 228), says: "But the common houses themselves as high as a mannes Girdle, were also built of stone, by reason of the swelling of the lake through the flood, or washing float of the Ryvers falling into it. Upon those greate foundations, they builded the reste of the house, with Bricke dryed, or burned in the sunne, intermingled with Beames of Tymber, and the common houses have but one floore or planchin." We are forcibly reminded here of the houses of Itza on Lake Peten, which were found in 1695. ("Hist. de la Conq. de los Itzaex," Lib. VIII, cap. XII, p. 494.) "It was all filled with houses, some with stone walls more than one rod high, and higher up of wood, and the roofs of straw, and some only of wood and straw. There lived in them all the Inhabitants of the Island brutally together, one relationship occupying a single house." See also the highly valuable Introduction to the second Dialogue of Cervantes-Salazar ("Mexico in 1554") by my excellent friend Sr. Icazbalceta (pp. 73 and 74).]

[Relocated Footnote 4: This successive formation of new "calpulli" is nowhere explicitly stated, but it is implied by the passage of Duran which we have already quoted (Cap. V, p. 42). It also results from their military organization as described in the "Art of War" (p. 115). With the increase of population, the original kinships necessarily disaggregated further, as we have seen it to have occurred among the Quiche (see "Popul-Vuh," quoted in our note 7), forming smaller groups of consanguinei. After the successful war against the Tecpanecas, of which we shall speak hereafter, we find at least twenty chiefs, representing as many kins (Duran, cap. XI, p. 97), besides three more, adopted then from those of Culhuscan (Id., pp. 98 and 99). This indicates an increase.]

[Relocated Footnote 5: Torquemada (Lib. III, cap. XXIV, p. 295): "I confess it to be truth that this city of Mexico is divided into four principal quarters, each one of which contains others, smaller ones, included, and all, in common as well as in particular, have their commanders and leaders…." Zurita ("Rapport," p. 58-64). That the smaller subdivisions were those who held the soil, and not the four original groups, must be inferred from the fact that the ground was attached to the calpulli. Says Zurita (p. 51), "They (the

lands) do not belong to each inhabitant of the village, but to the calpulli, which possesses them in common." On the other hand, Torquemada states (Lib. XIV, cap. VII, p. 545), "That in each pueblo, according to the number of people, there should be (were) clusters ('parcialidades') of diverse people and families…. These clusters were distributed by calpules, which are quarters ('barrios'), and it happened that one of the aforesaid clusters sometimes contained three, four, and more calpules, according to the population of the place ('pueblo') or tribe." The same author further affirms: "These quarters and streets were all assorted and leveled with so much accuracy that those of one quarter or street could not take a palm of land from those of another, and the same was with the streets, their lots running (being scattered) all over the pueblo." Consequently there were no communal lands allotted to the four great quarters of Mexico as such, but each one of the kinships (calpules) held its part of the original aggregate. Compare Gomara (Vedia, Vol. I, "Conq. de Mejico," p. 434: "Among tributaries it is a custom, etc., etc." Also p. 440). Clavigero (Lib. VII, cap. XIV): "Each quarter has its own tract, without the least connection with the others."]

[Relocated Footnote 6: Compare Duran (Cap XI, p. 87). Acosta (Lib. VII, cap, XXXI, p. 470). It appears as if the "teepan" had not been constructed previous to the middle of the 14th century, the meetings of the tribe being previously called together by priests, and probably in the open space around the main house of worship. The fact of the priests calling the public meetings is proved by Duran (Cap. IV, p. 42). Acosta (Lib. VII, cap. VII, p. 468). Veytia (Lib. II, cap. XVIII, pp. 156,159. Cap. XXI, p. 186). Acosta first mentions "unos palacios, aunque harto pobres." (Lib. VII, cap. 8, p. 470), on the occasion of the election of the first regular "tlacatecuhtli:" Acamapichtli—Torquemada says (Lib. XII, cap. XXII, p. 290) that they lived in miserable huts of reeds and straw, erected around the open space where the altar or place of worship of Huitzilopochtli was built. The public building was certainly their latest kind of construction.]

[Relocated Footnote 7: "Patronomial Estates" are mentioned frequently, but the point is, where are they to be found? Neither the "teepan-tlalli" nor the "tlatoca-tlalli," still less the "calpulalli," show any trace of individual ownership. "Eredad" (heirloom) is called indiscriminately "milli" and "cuemitl" (Molina, Parte Ia, p. 57). The latter is also rendered as "tierra labrada, o camellon" (Molina, Parte IIa, p. 26). It thus reminds us of the

"chinamitl" or garden-bed (as the name "camellon" also implies), and reduces it to the proportion of an ordinary cultivated lot among the others contained within the area of the calpulli. It is also called "tlalli," but that is the general name for soil or ground. "Tierras o eredades de particulares, juntas an alguna vega," is called "tlalmilli". This decomposes into "tlalli" soil and "milli." But "vega" signifies a fertile tract or field, and thus we have again the conception of communal lands, divided into lots improved by particular families, as the idea of communal tenure necessarily implies.]

[Relocated Footnote 8: Zurita ("Rapport," etc., etc., p. 50): "The chiefs of the second class are yet called calpullec in the singular and chinancallec in the plural." (This is evidently incorrect, since the words 'calpulli' and 'chinancalli' can easily be distinguished from each other.) "'Chinancalli', however after Molina means 'cercado de seto' (Parte IIa, p. 21), or an inclosed area, and if we connect it with the old original 'chinamitl' we are forcibly carried back to the early times, when the Mexicans but dwelt on a few flakes of more or less solid ground. This is an additional evidence in favor of the views we have taken of the growth of landed tenure among the Mexican tribe. We must never forget that the term is 'Nahuatl,' and as such recognized by all the other tribes, outside of the Mexicans proper. The interpretation as 'family' in the Quiche tongue of Guatemala, which we have already mentioned, turns up here as of further importance; that is: chiefs of an old race or family, from the word calpulli or chinancalli, which is the same, and signifies a quarter (barrio), inhabited by a family known, or of old origin, which possesses since long time a territory whose limits are known, and whose members are of the same lineage."

"The calpullis, families or quarters, are very common in each province. Among the lands which were given to the chefs of the second class there were also calpullis. These lands are the property of the people in general ('de la masse du peuple') from the time the Indians reached this land. Each family or tribe received a portion of the soil for perpetual enjoyment. They also had the name of calpulli, and until now this property has been respected. They do not belong to each inhabitant of the village in particular, but to the calpulli, which possesses them in common." Don Ramirez de Fuenleal, letter dated Mexico, 3 Nov., 1532 ("Recueil de pieces," etc, Ternaux-Compans, p. 253): "There are very few people in the villages which have lands of their own … the lands are held in common and cultivated in common." Herrera (Dec. III, Lib. IV, cap. XV, p. 135)

confirms, in a condensed form, the statement of Zurita, "and they are not private lands of each one, but held in common." Torquemada (Lib. XIV, cap. VII, p. 545.) Veytia (Lib. III, cap. VI, p. 196). "Finally, there were other tracts of lands in each tribe, called calpulalli, which is land of the calpules (barrios), which also were worked in common." Oviedo (Lib. XXXII, cap. LI, pp. 536 and 537). Clavigero (Lib. VII, cap. XIV). Bustamante ("Tezcoco," etc., Parte IIIa, cap. V. p. 232).]

[Relocated Footnote 9: Zurita (p. 52): "He who obtained them from the sovereign has not the right to dispose of them." Herrera (Dec. III, Lib. IV, cap. XV, p. 135): "He who possessed them could not alienate them, although he enjoyed their use for his lifetime." Torquemada (Lib. XIV, cap. VII, p. 545): "Disputes about lands are frequently mentioned, but they refer to the enjoyment and possession, and not the transfer of the land." Baron Humboldt ("Unes des Cordilleres et monuments indigenes des peuples de l'Amerique", Vol. I, Tab. V) reproduces a Mexican painting representing a litigation about land. But this painting was made subsequent to the Conquest, as the fact that the parties contending are Indians and Spaniards sufficiently asserts. Occasional mention is made that certain lands "could be sold." All such tracts, however, like the "pallali", have been shown by us to be held in communal tenure of the soil, there enjoyment alone being given to individuals and their families.]

[Relocated Footnote 10: Zurita (p. 60): "The calpulli have a chief taken necessarily from among the tribe; he must be one of the principal inhabitants, an able man who can assist and defend the people. The election takes place among them…. The office of this chief is not hereditary; when any one dies, they elect in his place the most respected old man…. If the deceased has left a son who is able the choice falls upon him, and a relative of the former incumbent is always preferred." (Id., pp. 50 and 222). Simancas M. S. S. ("De l'ordre de succession," etc., "Recucil," p. 225): As to the mode of regulating the jurisdiction and election of the alcaldes and regidors of the villages, "they nominated men of note who had the title of achcatanlitin…. There were no other elections of officers…." ('Art of War,' etc. pp. 119 and 120).]

[Relocated Footnote 11: Zurita (pp. 61 and 62): "This chief has charge of the lands of the calpulli. It is his duty to defend their possession. He keeps paintings showing the tracts, the names of their holders, the situation, the limits, the number of men tilling them, the wealth of private individuals, the

designations of each as are vacant, of others that belong to the Spaniards, the date of donation, to whom and by whom they were given. These paintings he constantly renews, according to the changes occurring, and in this they are very skillful." It is singular that Motolinia, in his "Epistola proemial" ("Col. de Doc."; Icazbalceta, Vol. I, p. 5), among the five "books of paintings" which he says the Mexicans had, makes no mention of the above. Neither does he notice it in his letter dated Cholala, 27 Aug., 1554 ("Recueil de pieces," etc., Teruaux-Compans).]

[Relocated Footnote 12: Each family, represented by its male head, obtained a certain tract or lot for cultivation and use, Zurita (p. 55). "The party (member of the calpulli, because no member of another one had the right to settle within the area of it—see Id., p. 53), who has no lands applies to the chief of the calpulli, who, upon the advice of the other old men, assigns to him such as corresponds to his ability and wants. These lands go to his heirs…." (id., p. 56). "The proprietor who did not cultivate during two years, either through his own fault or through negligence, without just cause … he was called upon to improve them, and if he failed to do so they were given to another the following year." Bustamante (Tezcoco, etc., Parte IIIa, p. 190, cap I): "The fact that any holder of a 'tlalmilli' might rent out his share, if he himself was occupied in a line precluding him from actual work on it, results from the lands of the 'calpulli' being represented alternately treated as communal and again as private lands. Besides, it is said of the traders who, from the nature of their occupation, were mostly absent, that they were also members and participants of a 'calpulli'" (Zurita, p. 223. Sahagun, Lib. VIII, cap. III, p. 349). Now, as every Mexican belonged to a kinship, which held lands after the plan exposed above, it follows that such as were not able to work themselves, on account of their performing other duties subservient to the interests of the community still preserved their tracts by having others to work them for their benefit. It was not the right of tenancy which authorizes the improvement, but the fact of improvement for a certain purpose and benefit, which secured the possession or tenancy.]

[Relocated Footnote 13: From "tlalli" soil, and "maitl" hand. Hands of the soil. Molma (Parte IIa, p. 124) has: "tlalmaitl"—"labrador, y ganyan." This name is given in distinction of the "macehuales" or people working the soil in general. The tlalmaites are identical with the "mayeques." (See Zurita, p. 224): "tlalmaites or mayeques, which signifies tillers of the soil of others…." He distinguishes them plainly from the 'teccallec,' which are the

'tecpanpouhque' or "tecpantlaca" formerly mentioned as attending to a class official lands (p. 221, Zurita). Herrera (Dec. III, Lib. IV, cap. XVII, p. 138): "These mayeques could not go from one tract to another, neither leave those which they cultivated, and raised. They paid tribute to nobody else but the master of the land." This tends to show that there existed not an established obligation, a serfdom, but a voluntary contract, that the "tlalmaites" were not serfs, but simply renters.]

[Relocated Footnote 14: Motolinia (Tratado II, cap. V, p. 120): "But they left their houses and lands to their children" … Gomara (p. 434): "Es costumbre de pecheros que el hijo mayor herede al padre en toda la hacienda raiz y mueble, y que tenga y mantenga todos los hermanos y sobrinos, con tal que haganellos lo que el les mandare." Clavigero (Lib. VII, cap. XIII): "In Mexico, and nearly the entire realm, the royal family excepted as already told, the sons succeeded to the father's rights; and if there were no sons, then the brothers, and the brothers' sons inherited." Bustamante ("Tezcoco," etc., p. 219): In all these cases, Bustamante only speaks of chiefs; but the quotations from Motolinia and Gomara directly apply to the people in general.]

[Relocated Footnote 15: Mr. L. H. Morgan has investigated the custom of inheritance, not only among the northern Indians, but also among the pueblo Indians of New Mexico. He establishes the fact, that the "kinship" or "gens," which we may justly consider as the unit of organization in American aboriginal society, participated in the property of the deceased. He proves it among the Iroquois ("Ancient Society," Part II, cap. II, pp. 75 and 76). Wyandottes, Id., cap. VII, p. 153. Missouri-tribes, p. 155. Winnebagoes, p 157. Mandans, p 158. Minnitarees, p. 159. Creeks, p. 161. Choctas, p. 162. Chickasas, p. 163. Ojibwas, p. 167; also Potowattomies and Crees, Miamis, p. 168. Shawnees, p. 169. Sauks, Foxes and Menominies, p. 170. Delawares, p. 172. Munsees and Mohegans, p. 173. Finally, the pueblo Indians of New Mexico are shown to have, if not the identical at least a similar mode of inheritance. It would be easy to secure further evidence, from South America also.]

[Relocated Footnote 16: Letter of Motolinia and Diego d'Olarte, to Don Luis de Velasco, Cholula, 27 Aug., 1554 ("Recueil," etc., etc., p. 407): "The daughters did not inherit; it was the principal, wife's son" … "Besides, nearly every author designates but a son, or sons, as the heirs. There is no mention made of daughters at all. In Tlaxcallan, it is also expressly

mentioned that the daughters did not inherit" (Torquemada, Lib. XI, cap. XXII, p. 348). In general, the position of woman in ancient Mexico was a very inferior one, and but little above that which it occupies among Indians in general. (Compare the description of Gomara, p. 440, Vedia I, with those of Sahagun. Lib. X, cap. I, p. 1; cap. XIII, pp. 30, 31, 32, and 33. The fact is generally conceded). H. H. Bancroft "Native Races," Vol. II, cap. VI, p. 224, etc.]

CHAPTER V.

HOUSES OF INDIAN TRIBES NORTH OF NEW MEXICO.

The growth of the idea of house architecture in general is a subject more comprehensive than the scope of this volume. But there is one phase of this growth, illustrating as it does the condition of society and of the family in savagery and in barbarism, to which attention will be invited. It is found in the domestic architecture of the American aborigines, considered as a whole, and as parts of one system. As a system it stands related to the institutions, usages, and customs presented in the previous chapters. There is not only abundant evidence in the collective architecture of the Indian tribes of the gradual development of this great faculty or aptitude of the human mind among them, through three ethnical periods, but the structures themselves, or a knowledge of them, remain for comparison with each other. A comparison will show that they belong to a common indigenous system of architecture. There is a common principle running through all this architecture, from the hut of the savage to the commodious joint-tenement house of the Village Indians of Mexico and Central America, which will contribute to its elucidation.

The indigenous architecture of the Village Indians has given to them, more than aught else, their position in the estimation of mankind. The facts of their social condition in other respects, which, unfortunately, are obscure, have been much less instrumental in fixing their status than existing architectural remains. The Indian edifices in Mexico and Central America of the period of the Conquest may well excite surprise and even admiration; from their palatial extent, from the material used in their construction, and from the character of their ornamentation, they are highly creditable to their skill in architecture. But a false interpretation has, from the first, been put upon this architecture, as I think can be shown, and inferences with respect to the social condition and the degree of advancement of these tribes have been constantly drawn from it both fallacious and deceptive, when the plain truth would have been more creditable to the aborigines. It will be my object to give an interpretation of this architecture in harmony with the usages and customs of the Indian tribes. The houses of the different tribes,

in ground-plan and mechanism, will be considered and compared, in order to show wherein they represent one system.

A common principle, as before stated, runs through all this architecture, from the "long-house" of the Iroquois to the "pueblo houses" of New Mexico, and to the so-called "palace" at Palenqne, and the "House of the Nuns" at Uxmal. It is the principle of adaptation to communism in living, restricted in the first instance to household groups, and extended finally to all the inhabitants of a village or encampment by the law of hospitality. Hunger and destitution were not known at one end of an Indian village while abundance prevailed at the other. Joint-tenement houses, each occupied by one large household, as among the Iroquois, or by several household groups, as in Yucatan, were the natural and inevitable result of their usages and customs. Communism in living and the law of hospitality, it seems probable, accompanied all the phases of Indian life in savagery and in barbarism. These and other facts of their social condition embodied themselves in their architecture, and will contribute to its elucidation.

The house architecture of the Northern tribes is of little importance, in itself considered; but, as an outcome of their social condition and for comparison with that of the Southern Village Indians, it is highly important. An attempt will be made to show, firstly, that the known communism in living of the former tribes entered into and determined the character of their houses, which are communal; and, secondly, that wherever the structures of the latter class are obviously communal, the practice of communism in living at the period of discovery may be inferred from the structures themselves, although many of them are now in ruins, and the people who constructed them have disappeared. Some evidence, however, of the communism of the Village Indians has been presented.

COMMUNAL HOUSES OF TRIBES IN SAVAGERY.

Mr. Stephen Powers, in his recent and instructive work on the "California Tribes," enumerates seven varieties of the lodge constructed by these tribes, adapted to the different climates of the State. One form was adapted to the raw and foggy climate of the California coast, constructed of redwood poles over an excavated pit, another to the snow-belt of the Coast Range and of the Sierras; another to the high ranges of the Sierras; another to the warm coast valleys; another, limited to a small area, constructed of interlaced willow poles, the interstices being open; another to the woodless plains of

the Sacramento and the San Joaquin, dome-shaped and covered with earth; and another to the hot and nearly rainless region of the Kern and Tulare valleys, made of tule. Four of these varieties are given below, the illustrations being taken from his work. [Footnote: Powell's Geographical Survey, &c., of the Rocky Mountain Region, Contributions to American Ethnology, vol. iii, Powers' Tribes of California, p. 436.]

"In making a wigwam, they excavated about two feet, banked up the earth enough to keep out the water, and threw the remainder on the roof dome-shaped. With the Lolsel the bride often remains in the father's house, and her husband comes to live with her, whereupon half the purchase money is returned. Thus there will be two or three families in one lodge. They are very clannish, especially the mountain tribes, and family influence is all potent." [Footnote: ib., p. 221.]

Elsewhere he remarks upon this form of house as follows: "On the great woodless plains of the Sacramento and San Joaquin, the savages naturally had recourse to earth for a material. The round, domed-shaped, earth-covered lodge is considered the characteristic one of California; and probably two-thirds of its immense aboriginal population lived in dwellings of this description. The doorway is sometimes directly on top, sometimes on the ground, at one side. I have never been able to ascertain whether the amount of rain-fall of any given locality had any influence in determining the place of the door." [Footnote: ib., p. 437.]

This mode of entrance reappears in the more artistic house of the Pueblo Indians of New Mexico, where the rooms are entered by means of a trap-door in the roof, the descent being made by a ladder. The "immense aboriginal population" of California, claimed by Mr. Powers, is too strong a statement.

"This wigwam is in the shape of the capital letter L, made up of slats leaning up to a ridge-pole and heavily thatched. All along the middle of it the different families or generations have their fires, while they sleep next the walls, lying on the ground, underneath rabbit-skins and other less elegant robes, and amid a filthy cluster of baskets, dogs, and all the wretched trumpery dear to the aboriginal heart. There are three narrow holes for dens, one at either end and one at the elbow." This is Mr. Powers' fifth variety of the lodge. [Footnote: Powers' Tribes of Cal., p. 284.]

"In the very highest region of Sierra, where the snow falls to such an enormous depth that the fire would be blotted out and the whole open side

snowed up, the dwelling retains substantially the same form and materials, but the fire is taken into the middle of it, and one side of it (generally the east one) slopes down more nearly horizontal than the other, and terminates in a curved way about three feet high and twice as long." Half a dozen such houses make an Indian village, with the addition of a "dome-shaped assembly or dance house" in the middle space. "One or more acorn-granaries of wicker-work stand around each lodge, much like hogsheads in shape and size, either on the ground or mounted on posts as high as one's head, full of acorns and capped with thatch." [Footnote: Powers' Tribes of Cal., p. 284.]

In Southern California, where the climate is both dry and hot, the natives constructed a wigwam entirely different from those found in other parts of the State. "In the Yokut nation," Mr. Powers remarks, "there appears to be more political solidarity, more capacity in the petty tribes of being grouped into large and coherent masses than is common in the State. This is particularly true of those living on the plains, who display in their encampments a military precision and regularity which are remarkable. Every village consists of a single row of wigwams, conical or wedge-shaped, generally made of tule, and just enough hollowed out within so that the inmates may sleep with the head higher than the feet, all in perfect alignment, and with a continuous awning of brushwood stretching along in front. In one end-wigwam lives the village captain; on the other the shaman of si-se'-ro. In the mountains there is some approach to this martial array, but it is universal on the plains." [Footnote: Powers' Tribes of Cal., p. 370.]

As a rule these houses were occupied by more families than one, as is shown by the same author. In the northern part of the State "the Tatu wigwams do not differ essentially from those of the vicinal tribes. They are constructed of stout willow wicker-work, dome-shaped, and thatched with grass. Sometimes they are very large and oblong, with sleeping-room for thirty or forty persons." [Footnote: ib., p. 139.]

The Yo-kai'-a inhabit a section of the north-west part of the State. "Their style of lodge is the same which prevails generally along Russian River, a huge frame-work of willow poles covered with thatch, and resembling a large flattish haystack. Though still preserving the same style and materials, since they have adopted from the Americans the use of boards they have learned to construct all around the wall of the wigwam a series of little state rooms, if I may so call them, which are snugly boarded up and furnished

with bunks inside. This enables every family in these immense patriarchal lodges to disrobe and retire with some regard to decency, which could not be done in the one common room of the old style wigwam." [Footnote: ib., p. 163.]

Again: "The Se-nel, together with three other petty tribes, mere villages, occupy that broad expanse of Russian River Valley on one side of which now stands the American village of Senel. Among them we find unmistakably developed that patriarchal system which appears to prevail all along Russian River. They construct immense dome-shaped or oblong lodges of willow poles an inch or two in diameter, woven in square lattice-work, securely lashed and thatched. In each one of these live several families, sometimes twenty or thirty persons, including all who are blood relations. Each wigwam, therefore, is a pueblo, a law unto itself; and yet these lodges are grouped in villages, some of which formerly contained hundreds of inhabitants." [Footnote: ib., p. 168.]

I cannot find that Mr. Powers mentions the practice of communism in these households, but the fact seems probable. Their usages in the matter of hospitality are much the same as in the other tribes. Their principal food was salmon, acorn-flour bread, game, kamas, and berries. They were, without pottery, cooked in ground ovens, and also in water-tight baskets by means of heated stones.

A brief reference may be made to the skin lodge of the Kutchin or Louchoux of the Yukon and Peel Rivers.

[Illustration: Fig. 5.—Kutchin Lodge.]

This simple structure, the ground plan and elevation of which were taken from the Smithsonian Report, is thus described by Mr. Strachan Jones: [Footnote: Report for 1866, p. 321.] "Deer-skins are dressed with the hair on, and sewed together, forming two large rolls, which are stretched over a frame of bent poles. The lodge is nearly elliptical, about twelve or thirteen feet in diameter and six feet high, very similar to a tea-cup turned over. The door is about four feet high, and is simply a deer-skin fastened above and hanging down. The hole to allow the smoke to escape is about four feet in diameter. Snow is heaped up outside the edges of the lodge and pine brush spread on the ground inside, the snow having been previously shoveled off with snow-shoes. The fire is made in the middle of the lodge, and one or more families, as the case may be, live on each side of the fire, every one having his or her particular place." [Footnote: ib., p. 322.] He further

remarks that "they have no pottery," and that they boil water "by means of stones heated red hot and thrown into the kettle." [Footnote: ib., p. 321.]

The principal fact to be noticed is that the lodge is comparted into stalls open on the central space, in the midst of which is the fire-pit, evidently for the accommodation of more families than one. This arrangement of the interior will reappear in numerous other cases. The Kutchin must be classed as savages, although near the close of that condition.

The tribes of the valley of the Columbia lived more or less in villages, but, like the tribes of California, were without horticulture and without pottery. But they found an abundant subsistence in the shell-fish of the coast, and in the myriads of fish in the Columbia and its tributaries. They also subsisted upon kamash and other bread roots of the prairies, which they cooked in ground ovens, and upon berries and game. They were expert boatmen and fishermen, manufactured water-tight baskets, implements of wood, stone, and bone, and used the bow and arrow. As another quite remarkable fact, they used plank in their houses, made by splitting logs with stone and elk-horn chisels. Like the Kutchin, they were in the Upper Status of savagery.

When Lewis and Clarke visited the Columbia River district (1805-1806) they found the Indian tribes living in houses of the plainest communal type, and some of them approaching in ground dimensions and in the number of their occupants the pueblo houses in New Mexico. They speak of a house of the Chopunish (Nez Perces) as follows: "This village of Tumachemootool is in fact only a single house one hundred and fifty feet long, built after the Chopunish fashion, with sticks, straw and dried grass. It contains twenty-four fires, about double that number of families, and might perhaps muster a hundred fighting men." [Footnote: Travels, etc., l. c., p. 548.]

This would give five hundred people in a single house. The number of fires probably indicates the number of groups practicing communism in living among themselves, though for aught we know it may have been general in the entire household.

[Illustration: Fig. 6—Ground plan of Ncerchokioo.]

Another great house, Ncerchokioo, is thus described: "This large building is two hundred and twenty-six feet in front, entirely above ground, and may be considered a single house, because the whole is under one roof, otherwise it would seem more like a range of buildings, as it is divided into seven distinct apartments, each thirty feet square, by means of broad boards

set up on end from the floor to the roof. The apartments are separated from each other by a passage or alley four feet wide, extending through the whole depth of the house, and the only entrance is from the alley through a small hole about twenty inches wide and not more than three feet high. The roof is formed of rafters and round poles laid on horizontally. The whole is covered with a double roof of bark of white cedar." [Footnote: Lewis and Clarke's Travels, p. 503.]

The apartments, as in the previous case of the fires, may be supposed to indicate the number of groups into which the great household was subdivided for the practice of communism.

Elsewhere, speaking of the houses of the Clahclellahs, they remark: "These houses are uncommonly large; one of them measured one hundred and sixty by forty feet, and the frames are constructed in the usual manner…. Most of the houses are built of boards and covered with bark, though some of the more inferior kind are constructed wholly of cedar bark, kept smooth and flat by small splinters fixed crosswise through the bark, at the distance of twelve or fourteen inches apart." [Footnote: ib., p. 515.]

The houses of the coast tribes (Clatsops and Chinooks) are also described. "The houses in this neighborhood are all large wooden buildings, ranging in length from twenty to sixty feet, and from fourteen to twenty in width. They are constructed in the following manner: two posts of split timber or more, agreeable to the number of partitions, are sunk in the ground, above which they rise to the height of fourteen or eighteen feet. They are hollowed at the top, so as to receive the end of a round beam or pole (ridge-pole) stretching from one to the other, and forming the upper point of the roof for the whole extent of the building. On each side of this range is placed another, which forms the eaves of the house, and is about five feet high; and as the building is often sunk to the depth of four or five feet, the eaves come very near the surface of the earth. Smaller pieces of timber are now extended by pairs, in the form of rafters, from the lower to the upper beams, where they are attached at both ends with cords of cedar bark. On these rafters two or three ranges of small poles are placed horizontally, and secured in the same way with strings of cedar bark. The sides are now made, with a range of white boards, sunk a small distance into the ground, with upper ends projecting above the poles at the eaves…. The gable end and partitions are formed in the same way…. The roof is than covered with a double range of thin boards, except an aperture of two or three feet in the center, for the smoke

to pass through. The entrance is by a small hole, cut out of the boards, and just large enough to admit the body. The very largest houses only are divided by partitions, for though three or four families reside in the same room, there is quite space enough for all of them. In the center of each room is a space six or eight feet square, sunk to the depth of twelve inches below the rest of the floor, and inclosed by four pieces of square timber. Here they make the fire, for which purpose pine bark is generally preferred. Around the fireplace mats are placed, and serve as seats during the day, and very frequently as beds at night. There is, however, a more permanent bed made by fixing, in two or sometimes three sides of the room, posts reaching from the roof to the ground, and at the distance of four feet from the wall. From these posts to the wall itself, one or two ranges of boards are placed so as to form shelves, in which they either sleep or there stow away their various articles of merchandise." [Footnote: Lewis and Clarke's Travels, p. 431.]

These explorers found the houses of the Indian tribes throughout the Columbia Valley occupied by several families, the smallest of them containing from twenty to forty persons, and the largest five hundred. The presence of large households is fully shown as the rule in their house-life. The practice of communism by the household, as stated by these authors, has already (supra, p. 71) been presented. This tendency to aggregation in groups, for subsistence and for mutual protection, reveals the weakness of the single family in the presence of the hardships of life. Communism in living was very plainly a necessity of their condition.

In a recent description (1869) of the modern houses of the Makah Indians of Cape Flattery, Washington Territory, by Mr. James G. Swan, the old usage which led to joint-tenement houses still asserts itself. Speaking of the manner of building these houses in detail, he remarks that "they are designed to accommodate several families, and are of various dimensions; some of them being sixty feet long by thirty wide, and from ten to fifteen feet high." The houses were made of split boards on a frame of timber. [Footnote: Smithsonian Contributions to Knowledge, No. 220, p. 5.]

COMMUNAL HOUSES OF TRIBES IN LOWER STATUS OF BARBARISM.

[Illustration: Fig. 7—Frame of Ojibwa Wig-e-wam.]

Among the Indian tribes in the Lower Status of barbarism some diversity existed in the plans of the lodge and house. Fig. 7, which is taken from

Schoolcraft's work on the Indian tribes, shows the frame of an Ojibwa cabin or lodge of the best class, as it may still be seen on the south shore of Lake Superior. Its mechanism is sufficiently shown by the frame of elastic poles exhibited by the figure. It is covered with bark, usually canoe birch, taken off in large pieces and attached with splints. Its size on the ground varied from ten to sixteen feet, and its height from six to ten. Twigs of spruce or hemlock were strewn around the border of the lodge on the ground floor, upon which blankets and skins were spread for beds. The fire-pit was in the center of the floor, over which, in the center of the roof, was an opening for the exit of the smoke. Such a lodge would accommodate, in the aboriginal plan of living, two and sometimes three married pairs with their children. Several such lodges were usually found in a cluster, and the several households consisted of related families, the principal portion being of the same gens or clan. I am not able to state whether or not the households thus united by the bond of kin practiced communism in living in ancient times, but it seems probable. Carver, who visited an Ojibwa village in Wisconsin in 1767, makes it appear that each house was occupied by several families. "This town," he remarks, "contains about forty houses, and can send out upwards of a hundred warriors, many of whom are fine young men." This would give, by the usual rule of computation, five hundred persons, and an average of twelve persons to a house. [Footnote: Travels, etc., p. 65.]

[Illustration: Fig. 8—Dakota wii-ka-yo, or Skin Tent.]

When first discovered the Dakotas lived in houses constructed with a frame of poles and covered with bark, each of which was large enough for several families. They dwelt principally in villages in their original area on the head-waters of the Mississippi, the present State of Minnesota. Forced upon the plains by an advancing white population, but after they had become possessed of horses, they invented a skin tent eminently adapted to their present nomadic condition. It is superior to any other in use among the American aborigines from its roominess, its portable character, and the facility with which it can be erected and struck. The frame consists of thirteen poles from fifteen to eighteen feet in length, which, after being tied together at the small ends, are raised upright with a twist so as to cross the poles above the fastening. They are then drawn apart at the large ends and adjusted upon the ground in the rim of a circle usually ten feet in diameter. A number of untanned and tanned buffalo skins, stitched together in a form adjustable to the frame, are drawn around it and lashed together, as shown

in the figure. The lower edges are secured to the ground with tent-pins. At the top there is an extra skin adjusted as a collar, so as to be open on the windward side to facilitate the exit of the smoke. A low opening is left for a doorway, which is covered with an extra skin used as a drop. The fire-pit and arrangements for beds are the same as in the Ojibwa lodge, grass being used in the place of spruce or hemlock twigs. When the tent is struck, the poles are attached to a horse, half on each side, like thills, secured to the horse's neck at one end, and the other dragging on the ground. The skin-covering and other camp-equipage are packed upon other horses and even upon their dogs, and are thus transported from place to place on the plains. This tent is so well adapted to their mode of life that it has spread far and wide among the Indian tribes of the prairie region. I have seen it in use among seven or eight Dakota sub-tribes, among the Iowas, Otoes, and Pawnees, and among the Black-feet, Crows, Assiniboines, and Crees. In 1878 I saw it in use among the Utes of Colorado. A collection of fifty of these tents, which would accommodate five hundred persons, make a picturesque appearance. Under the name of the "Sibley tent" it is now in use, with some modifications of plan, in the United States Army, for service on the plains.

[Illustration: Fig. 9—Village of Pomeiock.]

Sir Richard Grenville's expedition in 1585 visited the south part of the original colony of Virginia, now included in North Carolina. They landed at Roanoke Island, and also ascended a section of Albemarle Sound as far as the villages of Pomeiock and Secotan. An artist, John Wyth, before mentioned, was a member of this expedition, and we are indebted to him for a number of valuable sketches—the two villages named among the number, of which copies are given, together with representations of the people and of their industrial arts. The description of Pomeiock is as follows: "The towns in Virginia are very like those of Florida, not, however, so well and firmly built, and are enclosed by a circular palisade with a narrow entrance. In the town of Pomeiock, the buildings are mostly those of the chiefs and men of rank. On one side is the Temple (council-house) (A) of a circular shape, apart from the rest, and covered with mats on every side, without windows, and receiving no light except through the entrance. The residence of their chief (B) is constructed of poles fixed in the ground, bound together and covered with mats, which are thrown off at pleasure, to admit as much light and air as they may require. Some are covered with the boughs of

trees. The natives, as represented in the plate, are indulging in their sports. When the spring or pond is at a distance from the town, they dig a ditch from it that supplies them with water." [Footnote: Wyth's Sketches of Virginia, first published by De Bry, 1690, Langly's ed., 1841, Plate 21.]

The village consisted of seventeen joint-tenement houses and a council-house, arranged around a central open space, and surrounded with a palisade. Here the Algonkin lodge, unlike that of the Ojibwas, is a long, round-roofed house, apparently from fifty to eighty feet in length, covered with movable matting in the place of bark, and large enough to accommodate several families. The suggestion of this author, that "the buildings were mostly those of chiefs and men of rank," embodies the precise error which has repeated itself from first to last with respect to the houses of American aborigines. Because the houses at Pomeiock were large, they were the residences of chiefs; and because the House of the Nuns at Uxmal was of palatial extent, it was the exclusive residence of an Indian potentate—conclusions opposed to the whole theory of Indian life and institutions. Indian chiefs, the continent over, were housed with the people, and no better, as a rule, than the poorest of them.

"Some of their towns," says the same author, "are not enclosed with a palisade and are much more pleasant; Secotan, for example, here drawn from nature. The houses are more scattered and a greater degree of comfort and cultivation is observable, with gardens in which tobacco (E) is cultivated, woods filled with deer, and fields of corn. In the fields they erect a stage (F), in which a sentry is stationed to guard against the depredations of birds and thieves. Their corn they plant in rows (H), for it grows so large, with thick stalk and broad leaves, that one plant would stint the other and it would never arrive at maturity. They have also a curious place (C) where they convene with their neighbors at their feasts, as more fully shown on Plate 20, and from which they go to the feast (D). On the opposite side is their place of prayer (B), and near to it the sepulchre of their chiefs (A)…. They have gardens for melons (I), and a place (K) where they build their sacred fires. At a little distance from the town is the pond (L) from which they obtain their water." [Footnote: Sketches, etc., of Virginia, description of Plate 22.]

The houses of the Powhatan Indians of Virginia proper, as described by Captain John Smith, were precisely like those of Pomeiock and Secotan. A part of the interior of the house in which Smith was received by Powhatan

as a prisoner is engraved upon his map of Virginia, of which the following is a copy:

[Illustration: Fig. 11.—Interior of House of Virginia Indians.
With caption:
POWHATAN
Held this state & fashion when Capt. Smith
was delivered to him prisoner
1607]

"Their houses are built," Smith remarks, "like our arbors, of small young sprigs, bowed and tied, and so close covered with mats, or the bark of trees, very handsomely, that notwithstanding either wind, rain, or weather, they are as warm as stoves, but very smoky; yet, at the top of the house there is a hole made for the smoke to go into right over the fire. Against the fire they lie on little hurdles of reeds covered with a mat, borne from the ground a foot or more by a hurdle of wood. On these, round about the house, they lie, heads and points, one by the other against the fire, some covered with mats, some with skins, and some stark naked lie on the ground, from six to twenty in a house." [Footnote: History of Virginia, i, 130.]

The engraving is probably an improvement upon the original house in the symmetry of the structure, but it is doubtless a truthful representation of its mechanism. It seems likely that a double set of upright poles were used, one upon the outside and one on the inside, between which the mattings of canes or willows were secured, as the houses at Pomeiock and Secotan are ribbed externally at internals of about eight feet, showing four, five, and six sections. Each house, on this hypothesis, would be from twenty-four to forty-eight feet long. A reference (supra, p. 67) has been made to the size of the houses of the Virginia Indians, from which their communistic character may be inferred.

In the "Journal of a Voyage to New York," in 1679-1680, by Jasper Dankers and Peter Sluyter, edited and translated by Hon. Henry C. Murphy, there is a careful description of a house of the Nyack Indians of Long Island, an Algonkin tribe, affiliated linguistically with the Virginia Indians. The Nyack house corresponds very closely with those last named. "We went from hence to her habitation," these authors remark, "where we found the whole troop together, consisting of seven or eight families, and twenty or twenty-two persons, I should think. Their house was low and long, about sixty feet long and fourteen or fifteen feet wide. The bottom was earth; the

sides and roof were made of reed and the bark of chestnut trees; the posts or columns were limbs of trees stuck in the ground, and all fastened together. The top or ridge of the roof was open about half a foot wide, from one end to the other, in order to let the smoke escape, in the place of a chimney. On the sides or walls of the house, the roof was so low that you could hardly stand under it. The entrance, or doors, which were at both ends, were so small and low that they had to stoop down and squeeze themselves to get through them. The doors were made of reed or flat bark. In the whole building there was no lime, stone, iron, or lead. They build their fires in the middle of the floor, according to the number of families which live in it, so that from one end to the other each of them boils its own pot, and eats when it likes, not only the families by themselves, but each Indian alone, according as he is hungry, at all hours, morning, noon, and night. By each fire are the cooking utensils, consisting of a pot, a bowl or calabash, and a spoon, also made of a calabash. These are all that relate to cooking. They lie upon mats with their feet towards the fire, on each side of it. They do not sit much upon anything raised up, but, for the most part, sit on the ground or squat on their ankles. Their other household articles consist of a calabash of water, out of which they drink, a small basket in which to carry and keep their maize and small beans, and a knife…. All who live in one house are generally of one stock or descent, as father and mother with their offspring. Their bread is maize pounded on a block by a stone, but not fine. This is mixed with water and made into a cake, which they bake under the hot ashes. They gave us a small piece when we entered, and although the grains were not ripe, and it was half baked and coarse grains, we nevertheless had to eat it, or, at least, not throw it away before them, which they would have regarded as a great sin or a great affront." [Footnote: Journal, etc., p. 124.]

There is nothing in these statements forbidding the supposition that the household described practiced communism in living. The composition of the household shows that it was formed on the principle of gentle kin, while the several families cooked at the different fires, which was the usual practice in the different tribes; the stores were probably common, and the household under a matron. It will be noticed also that they gave him maize bread when he first entered the house. He little supposed that it was in obedience to a law or usage universal in the Indian family.

[Illustration: Fig. 12.—Ho-de'-no-sote of the Seneca-Iroquois.]

During the greater part of the year the Iroquois resided in villages. The size of the village was estimated by the number of the houses, and the size of the house by the number of fires it contained. One of the largest of the Seneca-Iroquois villages, situated at Mendon, near Rochester, N. Y. is thus described by Mr. Greenbalgh, who visited it in 1677: "Tiotohatton is on the brink or edge of a hill, has not much cleared ground, is near the river Tiotohatton [outlet of Honeoye Lake], which signifies bending. It lies to the westward of Canagora (Canandaigua) about thirty miles, contains about 120 houses, being the largest of all the houses we saw, the ordinary being fifty to sixty feet long, with twelve and thirteen fires in one house. They have a good store of corn growing to the northward of the town". [Footnote: Documentary History of New York, vol i. p 13.]

The "long-house" of the Iroquois, from which they called themselves, as one confederated people, Ho-de'-no-sau-nee (People of the Long-House), was from fifty to eighty and sometimes one hundred feet long. It consisted of a strong frame of upright poles set in the ground, which were strengthened with horizontal poles attached with withes, and surmounted with a triangular, and in some cases with a round roof. It was covered over, both sides and roof, with large strips of elm bark tied to the frame with strings or splints. An external frame of poles for the sides and of rafters for the roof were then adjusted to hold the bark shingles between them, the two frames being tied together.

[Illustration: Fig. 13.—Ground-plan of Seneca-Iroquois Long-House.]

The interior of the house was comparted at intervals of six or eight feet, leaving each chamber entirely open like a stall upon the passage way which passed through the center of the house from end to end. At each end was a doorway cohered with suspended skins. Between each four apartments, two on a side, was a fire-pit in the center of the hall, used in common by their occupants. Thus a house with five fires would contain twenty apartments and accommodate twenty families, unless some apartments were reserved for storage. They were warm, roomy, and tidily-kept habitations. Raised bunks were constructed around the walls of each apartment for beds. From the roof-poles were suspended their strings of corn in the ear, braided by the husks, also strings of dried squashes and pumpkins. Spaces were contrived here and there to store away their accumulations of provisions. Each house, as a rule was occupied by related families, the mothers and their children belonging to the same gens, while their husbands and the fathers of these

children belonged to other gentes; consequently the gens or clan of the mother largely predominated in the household. Whatever was taken in the hunt or raised by cultivation by any member of the household, as has elsewhere been stated, was for the common benefit. Provisions were made a common stock within the household.

Here was communism in living carried out in practical life, but limited to the household, and an expression of the principle in the plan of the house itself. Having found it in one stock as well developed as the Iroquois, a presumption of its universality in the Indian family at once arises, because it was a law of their condition. Evidence of its general prevalence has elsewhere been presented.

In a previous chapter the usages of the Iroquois in regard to eating have been given. It came practically to one cooked meal each day. The separate fires in each house were for convenience in cooking, all the stores in the house being common. The plan of life within them was studied and economical. This is shown by the presence of a matron in each household, who made a division of the food from the kettle to each family according to their needs, and reserved what remained for future disposal. It shows system and organization in their long-houses, with a careful supervision of their stores, and forethought as well as equity in the management and distribution of their food. In these households, formed on the principle of kin, was laid the foundation for that "mother power" which was even more conspicuous in the tribes of the Old World, and which Professor Bachofen was the first to discuss under the name of gyneocracy and mother-right. [Footnote: Das Mutterrecht, Stuttgart, 1861.]

Since the mothers who dwelt together were usually sisters, own or collateral, and of the same gens, and since their children were also of the gens of their mother, the preponderating number in the household would be of gentile kin. The right and the influence of the mother were protected and strengthened through the maternal as well as the gentile bond. The husbands were in the minority as to kindred. In case of separation it was the husband and not the wife who left the house. But this influence of the woman did not reach outward to the affairs of the gens phratry, or tribe, but seems to have commenced and ended with the household. This view is quite consistent with the life of patient drudgery and of general subordination to the husband which the Iroquois wife cheerfully accepted as the portion of her sex. Among the Grecian tribes descent had been changed to the male line at the

commencement of the historical period. It thus reversed the position of the wife and mother in the household: she was of a different gens from her children, as well as her husband; and under monogamy was now isolated from her gentile kindred, living in the separate and exclusive house of her husband. Her new condition tended to subvert and destroy that power and influence which descent in the female line and the joint-tenement houses had created. It is, therefore, the more surprising that so many traces of this anterior condition should have remained in the Grecian and other tribes which Professor Bachofen has pointed out, since gyneocracy and mother-right, as discussed by him, must have originated among these tribes when under the gentile organization, and with descent in the female line.

The "Joint Undivided Family" of the Hindus at the present time, "joint in food, worship, and estate," brought to our notice by Sir Henry Maine, [Footnote: Early History of Institutions, Holt's ed., pp. 100 and 106.] is a similar but probably more numerous household than that of the Iroquois. As soon as special investigation is made, joint-tenement houses and communism in living are found to be persistent features of barbarous life in the Old World as well as the New, but limited to the household. Strabo informs us that the Gauls lived in great houses, constructed of planks and wicker, with dome roofs covered with heavy thatch. [Footnote: Lib. iv, c. 4, s. 3.] Wherever such houses existed there is at least a presumption that they were occupied by several families, who formed a single household and practiced communism.

The Iroquois long-houses disappeared before the commencement of the present century. Very little is now remembered by the Indians themselves of their form and mechanism, or of the plan of life within them. Some knowledge of these houses remains among that class of Indians who are curious about their ancient customs. It has passed into the traditionary form, and is limited to a few particulars. A complete understanding of the mode of life in these long-houses will not, probably, ever be recovered. In 1743 Mr. John Bartram attended a council at Onondaga, and kept a journal, afterwards published, in which he inserted a ground plan of the long-house in which they were quartered. It is the first ground plan of one of these houses ever published, so far as the author is aware, and the only one prior to the appearance of Johnson's Cyclopaedia in 1875.

[Illustration: Fig. 14—Bartram's ground-plan and cross-section of Onondaga Long-House, in 1743.]

It should be noted that in 1696 Count Frontenac invaded Onondaga with a large French and Indian force, and that the Onondagas destroyed their principal village and retired. "The cabins of the Indians," says the relator, "and the triple palisade which encircled their fort were found entirely burnt." [Footnote: Documentary History of New York, p. 332.]

The new village visited by Mr. Bartram was probably quite near the site of the old. He says, "The town in its present state is about two or three miles long, yet the scattered cabins on both sides of the water are not above forty in number; many of them hold two families, but all stand single, so that the whole town is a strange mixture of cabins, interspersed with great patches of high grass, bushes and shrubs, some of peas, corn, and squashes…. We alighted at the council-house, where the chiefs were already assembled to receive us, which they did with a grave, cheerful complaisance according to their custom. They showed us where to lay our luggage, and repose ourselves during our stay with them, which was in the two end apartments of this large house. The Indians that came with us were placed over against us. This cabin is about eighty feet long and seventeen broad, the common passage six feet wide, and the apartments on each side five feet, raised a foot above the passage by a long sapling hewed square, and fitted with joists that go from it to the back of the house. On these joists they lay large pieces of bark, and on extraordinary occasions spread mats made of rushes, which favor we had. On these floors they set or lye down every one as he will. The apartments are divided from each other by boards or bark six or seven feet long from the lower floor to the upper, on which they put their lumber. When they have eaten their hominy, as they set in each apartment before the fire, they can put the bowl over head, having not above five foot to reach. They set on the floor sometimes at each end, but mostly at one. They have a shed to put their wood into in the winter, or in the summer to set, converse or play, that has a door to the south. All the sides and roof of the cabin is made of bark, bound fast to poles set in the ground, and bent round on the top, or set aflat for the roof as we set our rafters; over each fire-place they leave a hole to let out the smoke, which in rainy weather they cover with a piece of bark, and this they can easily reach with a pole to push it on one side or quite over the hole. After this manner are most of their cabins built." [Footnote: Observations, etc.; Travels to Onondaga, Lond. ed., 1751, pp. 40, 41]

The end section shows a round roof, as in the houses of the Virginia Indians, and the ground plan agrees in all respects with the old long-houses of the Seneca-Iroquois as described by them to the author before he had seen Mr. Bartram's plan.

In the Documentary History of New York (vol. iii, p. 14) there is a remarkable picture of the principal village of the Onondagas which was visited or rather attacked by Champlain in 1615. The location of this village was not established until 1877, when General John S. Clarke, of Auburn, by means of Champlain's map and sketch of the village, and his relation of the particulars of the expedition, found the site of the village in the town of Fenner, some miles northeast of the Onondaga Valley.

It was situated upon the edge of a natural pond, covering ten acres of land, and between a small brook which emptied into the pond on the left and the outlet of the pond which passed it on the right. The space covered by the village site was about six acres of land, strongly fortified by a series of palisades. Champlain states in his relation that "their village was enclosed with strong quadruple palisades of large timber, thirty feet high, interlocked the one with the other, with an interval of not more than half a foot between them, with galleries in the form of parapets, defended with double pieces of timber, proof against our arquebuses, and on one side they had a pond with a never-failing supply of water, from which proceeded a number of gutters which they had laid along the intermediate space, throwing the water without, and rendering it effectual inside for the purpose of extinguishing the fire. Such was their mode of fortification and defence, which was much stronger than the villages of the Attigouatuans (Hurons) and others." [Footnote: Doc. Hist. New York, iii, 14.]

Although Champlain attacked this place with fire-arms, then first heard by the Onondagas, and by means of a rude tower of his invention, and with a considerable force of French and Indians, he was unable to capture it, and retired. The use of water, with gutters to flood the ground upon an outer palisade when attacked with fire, as imperfectly shown in the engraving, was certainly ingenious. General Clarke has investigated the defensive works of the Iroquois, and it is to be hoped that he will soon give the results to the public.

Knowing, as we now do, that the space inclosed within the palisades was about six acres of land, the houses are not only seen to be log houses, but arranged or constructed side by side in blocks, and the whole thrown

together in the form of a square, with an open space in the center. The houses seem to be in threes and fours, and even sixes, side by side, and from sixty to one hundred feet in length; but if this conclusion is fairly warranted by the engraving, it might well be that each house was separated from its neighbor by a narrow open space or lane. It is the only representation I have ever seen of a palisaded village of the Iroquois of the period of their discovery. It covered about fifty-four acres of land.

The Mandans and Minnetarees of the Upper Missouri constructed a timber-framed house, superior in design and in mechanical execution to those of the Indians north of New Mexico. In 1862 I saw the remains of the old Mandan village shortly after its abandonment by the Arickarees, its last occupants. The houses, nearly all of which were of the same model, were falling into decay—for the village was then deserted of inhabitants, but some of them were still perfect, and the plan of their structure easily made out. The above ground-plan of the village was taken from the work of Prince Maximilian, and the remaining illustrations are from sketches and measurements of the author. It was situated upon a bluff on the west side of the Missouri, and at a bend in the river which formed an obtuse angle, and covered about six acres of land. The village was surrounded with a stockade made of timbers set vertically in the ground, and about ten feet high, but then in a dilapidated state.

[Illustration: Fig. 16.—Mandan Village Plot.]

The houses were circular in external form, the walls being about five feet high, and sloping inward and upward from the ground, upon which rested an inclined roof, both the exterior wall and the roof being plastered over with earth a foot and a half thick. For this reason they have usually been called "dirt lodges."

[Illustration: Fig. 17.—Ground-plan of a Mandan House.]

These houses are about forty feet in diameter, with the floor sunk a foot or more below the surface of the ground, six feet high on the inside at the line of the wall and from twelve to fifteen feet high at the center. Twelve posts, six or eight inches in diameter, are set in the ground, at equal distances, in the circumference of a circle, and rising about six feet above the level of the floor. String-pieces resting in forks cut in the ends of these posts, form a polygon at the base and also upon the ground floor. Against these an equal number of braces are sunk in the ground about four feet distant, which slanting upward, are adjusted by means of depressions cut in the ends, so as

to hold both the posts and the stringers firmly in their places. Slabs of wood are then set in the spaces between the braces at the same inclination, and resting against the stringers, which when completed surrounded the lodge with a wooden wall. Four round posts, each six or eight inches in diameter, are set in the ground near the center of the floor, in the angles of a square, ten feet apart, and rising from ten to fifteen feet above the ground floor. These again are connected by stringers resting in forks at their tops, upon which and the external wall the rafters rest.

[Illustration: Fig. 18.—Cross-section of House.]

The engraving exhibits a cross-section, as described. Poles three or four inches in diameter are placed as rafters from the external wall to the string-pieces above the central parts, and near enough together to give the requisite strength to support thee earth covering placed upon the roof. These poles were first covered over with willow matting, upon which prairie grass was overspread, and over all a deep covering of earth. An opening was left in the center, about four feet in diameter, for the exit of the smoke and for the admission of light. The interior was spacious and tolerably well lighted, although the opening in the roof and a single doorway were the only apertures through which light could penetrate. There was but one entrance, protected by what has been called the Eskimo doorway; that is, by a passage some five feet wide, ten or twelve feet long, and about six feet high, constructed with split timbers, roofed with poles, and covered with earth. Buffalo-robes suspended at the outer and inner entrances supplied the place of doors. Each house was comparted by screens of willow matting or unhaired skins suspended from the rafters, with spaces between for storage. These slightly-constructed apartments opened towards the central fire like stalls, thus defining an open central area around the fire-pit, which was the gathering place of the inmates of the lodge. This fire-pit was about five feet in diameter, a foot deep, and encircled with flat stones set up edgewise. A hard, smooth, earthen floor completed the interior. Such a lodge would accommodate five or six families, embracing thirty or forty persons. It was a communal house, in accordance with the usages and institutions of the American aborigines, and growing naturally out of their mode of life. I counted forty-eight houses, winch would average forty feet in diameter, all constructed upon this plan besides several rectangular log houses of later erection and of the American type.

[Illustration: Fig. 19.—Mandan house.]

These houses, of which a representation is given in Fig. 19, were thickly studded together to economize the space within the stockade, so that in walking through the village you passed along some circular foot-paths. There was no street, and it was impossible to see in any direction except for short distances. In the center there was an open space, where their religious rites and festivals were observed. [Footnote: The war post, which stood in the center, and a number of stone and bone implements I brought away with me, as mementoes of the place. They are now in my collection.]

Not the least interesting fact connected with these creditable structures was the quantity of materials required for their erection and the amount of labor required for their transportation for long distances down the river, and to fashion them, with the aid of fire and stone implements, into such comfortable dwellings. The trees are here confined to the bottom lands between the banks of the river, the river being bordered for miles by open prairies, and the trees growing in patches at long distances apart. To cut the timber without metallic implements, and to transport it without animal power, indicate a degree of persevering industry highly creditable to a people who, at this stage of progress, are averse to labor on the part of the males. Habitual male industry makes its first appearance in the next or the Middle Status of barbarism. The men here did the heavy work.

In the spaces between the lodges were their drying-scaffolds (Fig. 20), one for each lodge, which were nearly as conspicuous in the distance as the houses themselves. They were about twenty feet long, twelve feet wide, and seven feet high to the flooring, made of posts set upright, with cross-pieces resting in forks. Other poles were then placed longitudinally, upon which was a flooring of willow mats. These scaffolds, mounted with ladders (Fig. 21), were used for drying their skins, and also their maize, meat, and vegetables.

[Illustration: Fig. 20.—Drying scaffold.]

[Illustration: Fig. 21.—Mandan ladder.]

The Indians knew the use of the ladder, and some of them made an excellent article before the discovery of America. When Coronado visited and captured the seven so-called cities of Cibola in 1540-1542, he found the people living in seven or eight large joint-tenement houses, each capable of holding about a thousand persons. These houses were without entrances from the ground, but they mounted to the first terrace by means of ladders, and so to each successive story above. "The ladders which they have for

their houses," Coronado says in his relation, "are all in a manner movable and portable as ours be." [Footnote: Hakluyt, Coll. of Voyages, London ed., 1812, vol. 5, p. 498.]

The ladders at the Mandan village were made of two limbs growing nearly parallel and severed below the junction, as shown in the figure, and set with the forked end upon the ground, and the ends against the scaffold. Depressions were sunk in the rails to receive the rounds, which were secured by rawhide strings. They were usually from ten to twelve feet long, and one or two at each scaffold.

Situated thus picturesquely on a bluff, at an angle of the river, with houses of this peculiar model and with such an array of scaffolds rising up among them, the village was strikingly conspicuous for some distance both above and below on the river, and presented a remarkable appearance.

Afterwards, at the present Minnetaree and Mandan village about sixty-five miles above on the east side of the Missouri, and also at the new Arickaree village on the west side, and quite near it, I had an opportunity to see houses precisely similar to those described in actual occupation by the Indians, with their interior arrangements and their mode of life.

A reference, at least, should be made to the Maricopas and Mohaves of the Lower Colorado River, who, although village Indians of the pueblo type, still live in ordinary communal houses of the northern type, which are thus described by General Emory: "They (the Maricopas) occupy thatched cottages thirty or forty feet in diameter, made of twigs of cottonwood trees, interwoven with straw of wheat, cornstalks, and cane." [Footnote: Notes, &c., New Mexico, p. 132. See also Bartlet's Personal Narrative, p. 230.]

Those occupied by the Mohaves, as described by Captain Sitgreave, are similar in character. [Footnote: Expedition, &c., Zunyi and Colorado, p. 19.]

The Pimas of the Gila River, on the contrary, claim that their ancestors erected houses of adobe brick, and cultivated by irrigation. They point to the remains of ancient structures and of old acequias in the valley of the Gila, as Captain Crossman informs us, as the works of their forefathers. But now their condition is very similar to that of the Mohaves. The last-named writer remarks that "generally several married couples with their children live in one hut." [Footnote: Smithsonian Report for 1871, p. 415.]

The first two tribes, although their antecedent history is little known, seem to be in a transitional stage from the Lower to the Middle Status of

barbarism, having passed into the horticultural and sedentary condition without being far enough advanced to imitate their near neighbors in the use of adobe brick and of stone in their houses. They seem to be existing examples of that ever-recurring advancement of ruder tribes in past ages, through which the Village Indians of the pueblo type were constantly replenished from the more barbarous tribes. The present Taos Indians are another example.

It is made reasonably plain, I think, from the facts stated, that in the Upper Status of savagery, and also in the Lower Status of barbarism, the Indian household was formed of a number of families of gentile kin; that they practiced communism in living in the household, and that this principle found expression in their house architecture and predetermined its character.

CHAPTER VI.

HOUSES OF THE SEDENTARY INDIANS OF NEW MEXICO.

We are next to consider the houses and mode of life of the Sedentary Village Indians, among whom architecture exhibits a higher development, with the use of durable materials, and with the defensive principle superadded to that of adaptation to communism in living. It will not be difficult to discover and follow this latter principle, as one of the chief characteristics of this architecture in the pueblo houses in New Mexico, and in the region of the San Juan River, and afterwards in those of Mexico and Central America. Throughout all these regions there was one connected system of house architecture, as there was substantially one mode of life.

In New Mexico, going southward, the Indians, at the epoch of discovery, were not in a new dress and in an improved condition. They had advanced out of the Lower and into the Middle Status of barbarism; the houses in which they dwelt were of adobe brick or of stone, two, three, four, and sometimes five and six stories in height, and containing from fifty to five hundred apartments. They cultivated maize and plants by means of irrigating canals. The water was drawn from a running stream, taken at a point above the pueblo and carried down and through a series of garden beds. They wore mantles of cotton, as well as garments of skin.

[Footnote: "They have no cotton-wool growing, because the country is cold, yet they wear mantles thereof, as your honor may see by the show thereof; and true it is, that there was found in their houses certain yarn made of cotton-wool."—Coronado's Relation, Hakluyt's Coll. of Voyages, London ed., 1600, iii, p. 377.]

[Footnote: "Their garments were of cotton and deer skins, and the attire, both of men and women, was after the manner of Indians of Mexico…. Both men and women wore shoes and boots, with good soles of neat's leather—a thing never seen in any part of the Indies."— Voyages to New Mexico, by Friar Augustin Rueyz, a Franciscan, in 1581, and Antonio de Espejo in 1583. Explorations for Railroad Route, &c., Report Indian Tribes, vol. iii, p. 114.]

The present Pueblo Indians of New Mexico are in the main their descendants. They live, some of them, in the same identical houses their

forefathers occupied at the time of Coronado's expedition to New Mexico in 1541-1542, as at Acoma, Jemez, and Taos, and although their plan and mode of life have changed in some respects in the interval, it is not unlikely that they remain to this day a fair sample of the life of the Village Indians from Zunyi to Cuzco as it existed in the sixteenth century.

The Indians north of New Mexico did not construct their houses more than one story high, or of more durable materials than a frame of poles or of timber covered with matting or bark, or coated over with earth. A stockade around their houses was their principal protection. In New Mexico, going southward, are met for the first time houses constructed with several stories. Sun-dried brick must have come into use earlier than stone. The practice of the ceramic art would suggest the brick sooner or later. At all events, what are supposed to be the oldest remains of architecture in New Mexico, such as the Casas Grandes of the Gila and Salinas rivers, are of adobe brick. They also used cobble-stone with adobe mortar, and finally thin pieces of tabular sandstone, prepared by fracture, which made a solid and durable stone wall. Some of the existing pueblo houses in New Mexico are as old as the expedition of Coronado (1540-1542). Others, constructed since that event, and now occupied, are of the aboriginal model. There are at present about twenty of these pueblos in New Mexico, inhabited by about 7, 000 Village Indians, the descendants of those found there by Coronado. They are still living substantially under their ancient organization and usages. Besides these, there are seven pueblos of the Mokis, near the Little Colorado, occupied by about 3,000 Indians, who have remained undisturbed to the present time, except by Roman Catholic missionaries, and among whom the entire theory of life of the Sedentary Village Indians may yet be obtained. These Village Indians represent at the present moment the type of life found from Zunyi to Cuzco at the epoch of the Discovery, and, while they are not the highest, they are no unfit representatives of the entire class.

The Yucatan and Central American Indians were, in their architecture, in advance of the remaining aborigines of North America. Next to them, probably, were the Aztecs, and some few tribes southward. Holding the third position, though not far behind, were the Village Indians of New Mexico. All alike they depended upon horticulture for subsistence, and cultivated by irrigation; cotton being superadded to the maize, beans, squashes, and tobacco, cultivated by the northern tribes. Their houses, with those previously described, represent together an original indigenous

architecture, which, with its diversities, sprang out of their necessities. Its fundamental communal type, I repeat, is found not less clearly in the houses about to be described, and in the so-called palace at Palenque, than in the long-house of the Iroquois. An examination of the plan of the structures in Mexico, New Mexico, and Central America will tend to establish the truth of this proposition.

New Mexico is a poor country for civilized man, but quite well adapted to Sedentary Indians, who cultivate about one acre out of every hundred thousand. This region, and the San Juan, immediately north of it, possessed a number of narrow fertile valleys, containing together, possibly, 50,000 inhabitants, and it is occupied now by their descendants (excepting the San Juan) in manner and form as it was then. Each pueblo consisted either of a single great house, or of three or four such houses grouped together; and what is more significant, the New Mexican pueblo is a fair type of those now found in ruins in Yucatan, Chiapas, Guatemala, and Honduras, in general plan and in situation. All the people lived together in these great houses on terms of equality, for their institutions were essentially democratical. Common tenements for common Indians around these structures were not found there by Coronado in 1541, neither have any been found there since. There is not the slightest ground for supposing that any such tenements ever existed around those in Yucatan and Central America. Every structure was in the nature of a fortress, showing the insecurity in which they lived.

Since the year 1846, the date of the conquest of New Mexico, a number of military reconnaissances, under the direction of the War Department, have been made in various parts of the Territory. The army officers in change devoted their chief attention to the physical geography and resources of the regions traversed; but, incidentally, they investigated the pueblos in ruins, and the present condition of the Pueblo Indians. The admirable manner in which they have executed the work is shown by the series of reports issued from time to time by the government. More recently, the Geological and Geographical Survey of the Territories, under Prof. F. V. Hayden, geologist in charge, and also the Geographical and Geological Survey of the Rocky Mountain Region, Maj. J. W. Powell, geologist in charge, have furnished a large amount of additional information concerning the ruins on the San Juan and its tributaries, the Cliff Houses on the Mancos

River and elsewhere, and the Moki Pueblos. Valuable as this information is to us, it falls short of a full exposition of these several subjects.

At the time of Coronado's expedition to capture the Seven Cities of Cibola, so called in the relations of the period, the aborigines of New Mexico manufactured earthen vessels of large size and excellent workmanship, wove cotton fabrics with spun thread, cultivated irrigated gardens, were armed with the bow, arrow, and shield, wore deer-skins and buffalo robes and also cotton mantles as external garments, and had domesticated the wild turkey.

[Footnote: "We found here Guinea cocks [turkeys], but few. The Indians tell me in all these seven cities that they eat them not, but that they keep them only for their feathers. I believe them not, for they are excellent good, and greater than those of Mexico."— Coronado Rel., Hakluyt, iii, 377.]

"They had hardly provisions enough for themselves," remarks Jaramillo of the Cibolans, "and what they had consisted of maize, beans, and squashes." [Footnote: Relation of Capt. Juan Jaramillo, Coll. Terneaux-Compans, ix, 369.]

"What was true of the Cibolans in this respect was doubtless true of the Sedentary Indians in general. Each pueblo was an independent organization under a council of chiefs, except as several contiguous pueblos, speaking dialects of the same language, were confederated for mutual protection, of which the seven Cibolan pueblos, situated probably in the valley of the Rio Chaco, within an extent of twelve miles, afford a fair example." The degree of their advancement is more conspicuously shown in their house architecture.

The present Village Indians of New Mexico, or at least some of them, still manufacture earthen vessels, and spin and weave cotton fabrics in the aboriginal manner, and live in houses of the ancient model. Some of them, as the Mokis and Lagunas, are organized in gentes, and governed by a council of chiefs, each village being independent and self-governing. They observe the same law of hospitality universally practiced by the Northern Indians. Upon this subject, Mr. David J. Miller, of Santa Fe, writes as follows to the author: "A visitor to one of their houses is invariably tendered its hospitality in the form of food placed before him. A failure to tender it is deemed a grave breach of hospitality and an insult; and a declension to partake of it would be regarded as a breach of etiquette. As among us, they have their rich and their poor, and the former give to the latter cheerfully

and in due plenty." Here we find a nearly exact repetition of the Iroquois and Mandan rules of hospitality before given. Whether or not they formerly practiced communism in household groups, I am not informed. Their houses are adapted to this mode of life, as will presently be shown; and upon that fact and their stage of social advancement, the deduction of the practice must for the present rest.

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JOINT TENEMENT HOUSES OF VILLAGE INDIANS IN NEW MEXICO.

Santo Domingo is composed of several structures of adobe brick grouped together, as shown in the engraving, Fig 22. Each is about two hundred feet long, with two parallel rows of apartments on the ground, of which the front row is carried up one story, and the back two; the flat roof of the first story forming a terrace in front of the second. The first story is closed up solid for defensive reasons, with the exception of small window openings. The first terrace is reached by means of ladders from the ground; the rooms in the first story are entered through trap-doors in the floors, and in the second through doors opening upon the terrace, and also through trap-doors through the floors which form the roof. These structures are typical of all the aboriginal houses in New Mexico. They show two principal features: first, the terraced form of architecture, common also in Mexico, with the house tops as the social gathering places of the inmates; and, second, a closed ground story for safety. Every house, therefore, is a fortress. Lieutenant Abert remarks upon one of the houses of this pueblo, of which he gives an elevation, that "the upper story is narrower than the one below, so that there is a platform or landing along the whole length of the building. To enter, you ascend to the platform by means of ladders that could easily be removed; and, as there is a parapet wall extending along the platform, these houses could be converted into formidable forts." [Footnote: Ex. Doc. No. 41, 1st session 30th Congress, 1848, p. 462.]

The number of apartments in each house is not stated. The different houses at that time were inhabited by eight hundred Indians. Chimneys now appear above the roofs, the fire-place being at the angle of the chamber in front. These were evidently of later introduction. The defensive element, so prominent in this architecture, was not so much to protect the Village Indians from each other, as from the attacks of migrating bands flowing down upon them from the North. The pueblos now in ruins throughout the

original area of New Mexico, and for some distance north of it, testify to the perpetual struggle of the former to maintain their ground, as well as prove the insecurity in which they lived. It could be shown that the second and additional stories were suggested by the defensive principle.

Zunyi, Fig. 23, is the largest occupied pueblo in New Mexico at the present time. It probably once contained five thousand inhabitants, but in 1851 the number was reduced to fifteen hundred. The village consists of several structures, most of them accessible to each from their roof terraces. They are constructed of adobe brick, and of stone embedded in adobe mortar, and plastered over.

In the summer of 1879, Mr. James Stevenson, in charge of the field parties under Major Powell, made an extended visit to Zunyi and the neighboring pueblos, for the purpose of making collections of their implements, utensils, etc., during which time the photographs from which the accompanying illustrations of the pueblos were made. His wife accompanied him, and she has furnished us the following description of that pueblo:

"Zunyi is situated in Western New Mexico, being built upon a knoll covering about fifteen acres, and some forty feet above the right bank of the river of the same name.

"Their extreme exclusiveness has preserved to the Zunyians their strong individuality, and kept their language pure. According to Major Powell's classification, their speech forms one of four linguistic stocks to which may be traced all the pueblo dialects of the southwest. In all the large area which was once thickly dotted with settlements, only thirty-one remain, and these are scattered hundreds of miles apart from Taos, in Northern New Mexico to Islet, in Western Texas. Among these remnants of great native tribes, the Zunyians may claim perhaps the highest position, whether we regard simply their agricultural and pastoral pursuits, or consider their whole social and political organization.

"The town of Zunyi is built in the most curious style. It resembles a great beehive, with the houses piled one upon another in a succession of terraces, the roof of one forming the floor or yard of the next above, and so on, until in some cases five tiers of dwellings are successively erected, though no one of them is over two stories high. These structures are of stone and 'adobe'. They are clustered around two plazas, or open squares, with several streets and three covered ways through the town.

"The upper houses of Zunyi are reached by ladders from the outside. The lower tiers have doors on the ground plan, while the entrances to the others are from the terraces. There is a second entrance through hatchways in the roof, and thence by ladders down into the rooms below. In many of the pueblos there are no doors whatever on the ground floor, but the Zunyians assert that their lowermost houses have always been provided with such openings. In times of threatened attack the ladders were either drawn up or their rungs were removed, and the lower doors were securely fastened in some of the many ingenious ways these people have of barring the entrances to their dwellings. The houses have small windows, in which mica was originally used, and is still employed to some extent; but the Zunyians prize glass highly, and secure it, whenever practicable, at almost any cost. A dwelling of average capacity has four or five rooms, though in some there are as many as eight. Some of the larger apartments are paved with flagging, but the floors are usually plastered with clay, like the walls. Both are kept in constant repair by the women, who mix a reddish-brown earth with water to the proper consistency and then spread it by hand, always laying it in semicircles. It dries smooth and even, and looks well. In working this plaster the squaw keeps her mouth filled with water, which is applied with all the dexterity with which a Chinese laundry-man sprinkles clothes. The women appear to delight in this work, which they consider their special prerogative, and would feel that their rights were infringed upon were men to do it. In building, the men lay the stone foundations and set in place the huge logs that serve as beams to support the roof, the spaces between these rafters being filled with willow-brush; though some of the wealthier Zunyians use instead shingles made by the carpenters of the village. The women then finish the structure. The ceilings of all the older houses are low; but Zunyi architecture has improved and the modern style gives plenty of room, with doors through which one may pass without stooping. The inner walls are usually whitened. For this purpose a kind of white clay is dissolved in boiling water and applied by hand. A glove of undressed goat-skin is worn, the hand being dipped in the hot liquid and then passed repeatedly over the wall.

"In Zunyi, as elsewhere, riches and official position confer importance upon their possessors. The wealthy class live in the lower houses, those of moderate means next above, while the poorer families have to be content with the uppermost stories. Naturally no one will climb into the garret who

has the means of securing more convenient apartments, under the huge system of 'French flats', which is the way of living in Zunyi. Still there is little or no social distinction in the rude civilization, the whole population of the town living almost as one family. The Alcalde, or Lieutenant-Governor, furnishes an exception to the general rule, as his official duties require him to occupy the highest house of all, from the top of which he announces each morning to the people the orders of the Governor, and makes such other proclamation as may be required of him.

"Each family has one room, generally the largest in the house, where they work, eat, and sleep together. In this room the wardrobe of the family hangs upon a log suspended beneath the rafters, only the more valued robes, such as those worn in the dance, being wrapped and carefully stored away in another apartment. Work of all kinds goes on in this large room, including the cookery, which is done in a fire-place on the long side, made by a projection at right angles with the wall, with a mantel-piece on which rests the base of the chimney. Another fire-place in a second room is from six to eight feet in width, and above this is a ledge shaped somewhat like a Chinese awning. A highly-polished slab, fifteen or twenty inches in size, is raised a foot above the hearth. Coals are heaped beneath this slab, and upon it the Waiavi is baked. This delicious kind of bread is made of meal ground finely and spread in a thin batter upon the stone with the naked hand. It is as thin as a wafer, and these crisp, gauzy sheets, when cooked, are piled in layers and then folded or rolled. Light bread, which is made only at feast times, is baked in adobe ovens outside the house. When not in use for this purpose the ovens make convenient kennels for the dogs and play-houses for the children. Neatness is not one of the characteristics of the Zunyians. In the late autumn and winter months the women do little else than make bread, often in fanciful shapes, for the feasts and dances which continually occur. A sweet drink, not at all intoxicating, is made from the sprouted wheat. The men use tobacco, procured from white traders, in the form of cigarettes from corn-husks; but this is a luxury in which the women do not indulge.

"The Pueblo mills are among the most interesting things about the town. These mills, which are fastened to the floor a few feet from the wall, are rectangular in shape, and divided into a number of compartments, each about twenty inches wide and deep, the whole series ranging from five to ten feet in length, according to the number of divisions. The walls are made

of sandstone. In each compartment a flat grinding stone is firmly set, inclining at an angle of forty-five degrees. These slabs are of different degrees of smoothness, graduated successively from coarse to fine. The squaws, who alone work at the mills, kneel before them and bend over them as a laundress does over the wash-tub, holding in their hands long stones of volcanic lava, which they rub up and down the slanting slabs, stopping at intervals to place the grain between the stones. As the grinding proceeds the grist is passed from one compartment to the next until, in passing through the series, it becomes of the desired fineness. This tedious and laborious method has been practiced without improvement from time immemorial, and in some of the arts the Zunyians have actually retrograded."

The living-rooms are about twelve by eighteen feet and about nine feet high, with plastered walls and an earthen floor, and usually a single window opening for light. To form a durable ceiling round timbers about six inches in diameter are placed three or four feet apart from the outer to the inner wall. Upon these, poles are placed transversely in juxtaposition. A deep covering of adobe mortar is placed upon them, forming the roof terrace in front, and the floor of the apartments above in the receding second story. Water-jars of their own manufacture, of fine workmanship, and holding several gallons, closely woven osier baskets of their own make, and blankets of cotton and wool, woven by their own hand-looms, are among the objects seen in these apartments. They are neatly kept, roomy and comfortable, and differ in no respect from those in use at the period of the conquest, as will elsewhere be shown. The mesa elevation upon which the old town of Zunyi was situated is seen in the background of the engraving, Fig. 23.

It should be noticed that this architecture, and the necessities that gave it birth, led to a change in the mode of life from the open ground to the terraces or flat roofs of these great houses. When not engaged in tillage, the terraces were the gathering and living places of the people. During the greater part of the year they lived practically in the open air, to which the climate was adapted, and upon their housetops, first for safety and afterwards from habit.

Elevations of the principal pueblos of New Mexico have from time to time been published. They agree in general plan, but show considerable diversity in details. Rude but massive structures, they accommodated all the people of the village in security within their walls.

The Moki Pueblos are supposed to be the towns of Tusayan, visited by a detachment of Coronado's expedition in 1541. Since the acquisition of New Mexico they have been rarely visited, because of their isolation and distance from American settlements.

The accompanying illustration of Wolpi, Fig. 25, one of these pueblos, is from a photograph taken by Major Powell's party.

In 1858 Lieut. Joseph C. Ives, in command of the Colorado Exploring Expedition, visited the Moki Pueblos, near the Little Colorado. They are seven in number, situated upon mesa elevations within an extent of ten miles, difficult of access, and constructed of stone. Mi-shong'-i-ni'-vi, the first one entered, is thus described. After ascending the rugged sides of the mesa by a flight of stone steps, Lieutenant Ives remarks: "We came upon a level summit, and had the walls of the pueblo on one side and an extensive and beautiful view upon the other. Without giving us time to admire the scene, the Indians led us to a ladder planted against the front face of the pueblo. The town is nearly square, and surrounded by a stone wall fifteen feet high, the top of which forms a landing extending around the whole. Flights of stone steps led from the first to a second landing, upon which the doors of the houses open. Mounting the stairway opposite to the ladder, the chief crossed to the nearest door and ushered us into a low apartment, from which two or three others opened towards the interior of the dwelling. Our host courteously asked us to be seated upon some skins spread along the floor against the wall, and presently his wife brought in a vase of water and a tray filled with a singular substance (tortillas), that looked more like a sheet of thin blue wrapping paper than anything else I had ever seen. I learned afterwards that it was made from corn meal, ground very fine, made into a gruel, and poured over a heated stone to be baked. When dry it has a surface slightly polished, like paper. The sheets are folded and rolled together, and form the staple article of food of the Moki Indians. As the dish was intended for our entertainment, and looked clean, we all partook of it. It has a delicate fresh-bread flavor, and was not at all unpalatable, particularly when eaten with salt…. The room was fifteen feet by ten; the walls were made of adobes; the partitions of substantial beams; the floors laid with clay. In one corner were a fire-place and chimney. Everything was clean and tidy. Skins, bows and arrows, quivers, antlers, blankets, articles of clothing and ornament were hanging upon the walls or arranged upon the shelves. At the other end was a trough divided into compartments, in each of which was

a sloping stone slab, two or three feet square, for grinding corn upon. In a recess of an inner room was piled a goodly store of corn in the ear…. Another inner room appeared to be a sleeping apartment, but this being occupied by females we did not enter, though the Indians seemed to be pleased rather than otherwise at the curiosity evinced during the close inspection of their dwelling and furniture…. Then we went out upon the landing, and by another flight of steps ascended to the roof, where we beheld a magnificent panorama…. We learned that there were seven towns…. Each pueblo is built around a rectangular court, in which we suppose are the springs that furnish the supply to the reservoirs. The exterior walls, which are of stone, have no openings, and would have to be scaled or battered down before access could be gained to the interior. The successive stories are set back, one behind the other. The lower rooms are reached through trap-doors from the first landing. The houses are three rooms deep, and open upon the interior court. The arrangement is as strong and compact as could well be devised but as the court is common, and the landings are separated by no partitions, it involves a certain community of residence." [Footnote: Colorado Exploring Expedition, p. 121.]

This account leaves a doubt whether the stones receded from the inclosed court outward or from the exterior inward. Lieutenant Ives does not state that he passed through the building into the court and ascended to the first platform from within, and yet the remainder of the description seems to imply that he did, and that the structure occupied but three sides of the court, since he states that "the houses are three rooms deep and open upon the interior court." The structure was three stories high.

[Illustration: Fig. 26.—Room in Moki House.]

The above engraving was prepared for an article by Maj. Powell, on these Indians. Two rooms are shown together, apparently by leaving out the wooden partition which separated them, showing an extent of at least thirty feet. The large earthen water-jars are interesting specimens of Moki pottery. At one side is the hand mill for grinding maize. The walls are ornamented with bows, quivers, and the floor with water-jars, as described by Lieutenant Ives.

In places on the sides of the bluffs at this and other pueblos, Lieutenant Ives observed gardens cultivated by irrigation. "Between the two," he remarks, "the faces of the bluff have been ingeniously converted into terraces. These were faced with neat masonry, and contained gardens, each

surrounded with a raised edge so as to retain water upon the surface. Pipes from the reservoirs permitted them at any time to be irrigated." [Footnote: Colorado Exploring Expedition, p. 120.]

Fig. 27 shows one of two large adobe structures constituting the pueblo of Taos, in New Mexico. It is from a photograph taken by the expedition under Major Powell. It is situated upon Taos Creek, at the western base of the Sierra Madre Range, which forms the eastern border of the broad valley of the Rio Grande, into which the Taos stream runs. It is an old and irregular building, and is supposed to be the Braba of Coronado's expedition. [Footnote: Relation of Castenada, Coll. H. Ternaeux-Compans. ix, 138. Trans. of American Ethnological Society.]

Some ruins still remain, quite near, of a still older pueblo, whose inhabitants, the Taos Indians affirm, they conquered and dispossessed. The two structures stand about twenty-five rods apart, on opposite sides of the stream, and facing each other. That upon the north side, represented in the above engraving, is about two hundred and fifty feet long, one hundred and thirty feet deep, and five stories high; that upon the south side is shorter and deeper, and six stories high. The present population of the pueblo, about four hundred, are divided between the two houses, and they are a thrifty, industrious, and intelligent people. Upon the east side is a long adobe wall, connecting the two buildings, or rather protecting the open space between them. A corresponding wall, doubtless, closed the space on the opposite side, thus forming a large court between the buildings, but, if so, it has now disappeared. The creek is bordered on both sides with ample fields or gardens, which are irrigated by canals, drawing water from the stream. The adobe is of a yellowish-brown color, and the two structures make a striking appearance as they are approached. Fire-places and chimneys have been added to the principal room of each family; but it is evident that they are modern, and that the suggestion came from Spanish sources. They are constructed in the corner of the room. The first story is built up solid, and those above recede in the terraced form. Ladders planted against the walls show the manner in which the several stories are reached, and, with a few exceptions, the rooms are entered through trap-doors by means of ladders. Children and even dogs run up and down these ladders with great freedom. The lower rooms are used for storage and granaries, and the upper for living rooms; the families in the rooms above owning and controlling the rooms below. The pueblo has its chiefs.

The measurements of the two edifices were furnished to the writer in 1864 by Mr. John Ward, at that time a government Indian agent, by the procurement of Dr. M. Steck, superintendent of Indian affairs in New Mexico. Among further particulars given by Mr. Ward are the following: "The thickness of the walls of these houses depends entirely upon the size of the adobe and the way in which it is laid upon the wall; that is, whether lengthwise or crosswise. There is no particular standard for the size of the adobes. On the buildings in question the adobes on the upper stories are laid lengthwise, and will average about ten inches in width, which gives the thickness of the walls. On the first story or ground rooms the adobes are in most places laid crosswise, thus making the thickness of these walls just the length of the adobe, which averages about twenty inches. The width of an adobe is usually one-half its length, and the thickness will average about four inches. The floors and roofs are coated with mud mortar from four to six inches thick, which is laid on and smoothed over with the hand. This work is usually performed by women. When the right kind of earth can be obtained the floor can be made very hard and smooth, and will last a very long time without needing repairs. The walls both inside and out are coated in the same manner. On the inside, however, more care is taken to make the walls as even and smooth as possible, after which they are whitewashed with gesso or gypsum."

Several rooms on the ground floor were measured by Mr. Ward and found to be, in feet, 14 by 18, 20 by 22, and 24 by 27, with a height of ceiling averaging from 7 to 8 feet. In the second story they measured, in feet, 14 by 23, 12 by 20, and 15 by 20, with a height of ceiling varying from 7 to 7 1/2 feet. The rooms in the third, fourth, and fifth stories were found to diminish in size with each story. There is probably a mistake here, as the main longitudinal partition walls must have been carried up upon each other from bottom to top. A few of the doorways were measured and found to range from 2 1/2 feet wide by 4 1/2 feet high and 2 1/3 feet wide by 4 10/12 feet high. The scuttles or trap-doors in the floors, through which they descended into these rooms by means of ladders, were 3 feet by 2 1/2, 3 feet by 2, and 1 feet 10 inches by 2 1/2 feet, and the window openings through the walls were, in inches, 14 by 14, 8 by 16, 16 by 20, and 18 by 18.

Mr. Ward then proceeds: "No room has more than two windows; very few have more than one. The back rooms usually have one or more round holes made through the walls from six to eight inches in diameter These openings

furnish the apartments with a scanty supply of light and air The first story or the ground rooms are usually without doors or windows, the only entrance being through the scuttle-holes or doors in the roof, which are within the rooms comprising the story immediately above. These basement rooms are used for store-rooms. Those in the upper stories are the rooms mostly inhabited. Those located in the front part of the building receive their light through the doors and windows before described. The back rooms have no other light than that which goes in through the scuttle-holes and the partition walls leading from the front rooms, that is, where a room is so situated as to have both. Others again have no other light than that which enters through the holes already described. Such rooms are always gloomy. Some families have as many as four or five rooms, one of which is set apart for cooking, and is furnished with a large fire-place for the purpose. Those who have only two or three rooms usually cook and sleep in the same apartment, and in such cases they cook in the usual fireplace, which stands in one corner of the room. No perceptible addition has been made to either of the buildings for many years, and it is evident that after the death or removal of their owners they were entirely neglected. Those in good condition are still occupied. From the best information attainable the original buildings were not erected all at one time, but were added to from time to time by additional rooms, including the second, third, and more stories. There are no regular terraces, the roof of the rooms below answering that purpose. Thus it is that no entire circuit can be made around any one of these stories, the only thing that can be called a terrace being the narrow space left in front of some of the rooms from the roofs of the lower rooms."

Mr. Ward seems to object to the word "terrace" in defining the platform left in front of each story as a means of access to its apartments and to the successive stories. It was used by the early Spanish writers to explain the same peculiarity found in many of the great houses in the pueblo of Mexico and elsewhere over Mexico, the roofs being flat and the stories receding from each other. While this platform is not in strictness a terrace, the term expresses this architectural feature with sufficient clearness. The two structures at Taos are large enough to accommodate five hundred persons in each, the inmates living in the Indian fashion. They were occupied in 1864 by three hundred and sixty-one Taos Indians.

"Each terrace is reached," remarks Mr. Miller before mentioned, speaking of the pueblos in general, "by a wooden ladder, first from the ground and afterward from the one below; and ingress and egress to and from the rooms below is on the inside in the room above through trap-doors and upon ladders. It is wonderful to see with what agility the Indian children and the dogs run up and down these ladders. Nowhere is there any side communication between the rooms in the great building, and but one family occupy each series of rooms situated one above the other." This last statement is too broadly made, as we have seen that Mr. Ward has given the measurements of doors through partition walls. Such doors will also be shown in a subsequent engraving. But there is no doubt of the fact that the number of lateral rooms communicating with each other was small, and that the families or groups, if such existed, united in a communal household, were separated from each other by solid partition walls, a fact which will reappear in the house-architecture of Yucatan.

In 1877, David J. Miller, esq, of Santa Fe, visited the Taos Pueblo at my request, to make some further investigations. He reports to me the following facts: The government is composed of the following persons, all of whom, except the first, are elected annually. 1. A cacique or principal sachem. 2. A governor or alcalde. 3. A lieutenant-governor. 4. A war captain, and a lieutenant war captain. 5. Six fiscals of policemen. "The cacique," Mr. Miller says, "has the general control of all officers in the performance of their duties, transacts the business of the pueblo with the surrounding whites, Indian agents, etc., and imposes reprimands or severer punishments upon delinquents. He is keeper of the archives of the pueblo; for example, he has in his keeping the United States patent for the tract of four square leagues on which the pueblo stands, which was based upon the Spanish grant of 1689; also deeds of other purchased lands adjoining the pueblo. He holds his office for life. At his death, the people elect his successor. The cacique may, before his death, name his successor, but the nomination must be ratified by the people represented by their principal men assembled in the estufa. In this cacique may be recognized the sachem of the northern tribes, whose duties were purely of a civil character. Mr. Miller does not define the duties of the governor. They were probably judicial, and included an oversight of the property rights of the people in their cultivated lands, and in rooms or sections of the pueblo houses."

"The lieutenant-governor," he remarks, "is the sheriff to receive and execute orders. The war captain has twelve subordinates under his command to police the pueblo, and supervise the public grounds, such as grazing lands, the cemetery, estufas, &c. The lieutenant war captain executes the orders of his principal, and officiates for him during his absence, or in case of his disability. The six fiscals are a kind of town police. It is their duty to see that the catechism (Catholic) is taught in the pueblo, and learned by the children, and generally to keep order and execute the municipal regulations of the pueblo under the direction of the governor, who is charged with the duty of seeing to their execution."

"The regular time for meeting in the estufa is the last day of December, annually, for the election of officers for the ensuing year. The cacique, governor, and principal men nominate candidates, and the election decides. There may also be a fourth nomination of candidates, that is, by the people. In the election, all adult males vote; the officers first, and then the general public. The officers elected are at the present time sworn in by the United States Territorial officials."

In this simple government we have a fair sample, in substance and in spirit, of the ancient government of the Pueblo Indians of New Mexico. Some modification of the old system may be detected in the limitation of officers below the grade of cacique to one year. From what is known of the other pueblos in New Mexico, that of Taos is a fair example of all of them in governmental organization at the present time. They are, and always were, essentially republican, which is in entire harmony with Indian institutions. I may repeat here what I have ventured to assert on previous occasions, that the whole theory of governmental and domestic life among the Village Indians of America from Zunyi to Cuzco can still be found in New Mexico.

The representation of a room in this pueblo, Fig. 28, is from a sketch by Mr. Galbraith, who accompanied Major Powell's party to New Mexico.

What Mr. Miller refers to as "property rights and titles" and "ownership in fee" of land, is sufficiently explained by the possessory right which is found among the northern Indian tribes. The limitations upon its alienation to an Indian from another pueblo, or to a white man, not to lay any stress upon the absence of written titles or conveyances of land which have been made possible by Spanish and American intercourse, show very plainly that their ideas respecting the ownership of the absolute title to land, with power to

alienate to whomsoever the person pleased, were entirely above their conception of property and its uses. All the ends of individual ownership and of inheritance were obtained through a mere right of possession, while the ultimate title remained in the tribe. According to the statement of Mr. Miller, if the father dies, his land is divided between his widow and children, and if a woman, her land is divided equally between her sons and daughters. This is an important statement, because, assuming its correctness, it shows inheritance of children from both father and mother, a total departure from the principles of gentile inheritance. In 1878 I visited the Taos pueblo. I could not find among them the gens or clan, [Footnote: Mr. Baudelier has since ascertained that they are organized in gentes.] and from lack of time did not inquire into their property regulations or rules of inheritance. The dozen large ovens I saw while there near the ends or in front of the two buildings, each of which was equal to the wants of more than one family, were adopted from the Spanish. They not unlikely had some connection with the old principle of communism.

It will prove a very difficult undertaking to ascertain the old mode of life three hundred and fifty years ago in New Mexico, Mexico, and Central America, as it was then in full vitality, a natural outgrowth of Indian institutions. The experiment to recover this lost condition of Indian society has not been tried. The people have been environed with civilization during the latter portion of this period, and have been more or less affected by it from the beginning. Their further growth and development was arrested by the advent of European civilization, which blighted their more feeble culture. Since their discovery they have steadily declined in numbers, and they show no signs of recovery from the shock produced by their subjugation. Among the northern tribes, who were one Ethnical Period below the Pueblo Indians, their social organization and their mode of life have changed materially under similar influences since the period of discovery. The family has fallen more into the strictly monogamian form, each occupying a separate house; communism in living in large households has disappeared, the organization into gentes has in many cases fallen out or been rudely extinguished by external influences; and their religious usages have yielded. We must expect to find similar and even greater changes among the Village Indians of New Mexico. The white race were upon them in Mexico and New Mexico a hundred years earlier than upon the Indian tribes of the United States. But, as if to stimulate investigation into their

ancient mode of life, some of these tribes have continued through all these years to live in the same identical houses occupied by their forefathers in 1540 at Acoma, Jemez, and Taos. These pueblos were contemporary with the pueblo of Mexico captured by Cortez in 1520. The present inhabitants are likely to have retained some part of the old plan of life, or some traditionary knowledge of what it was. They must retain some of the usages and customs with respect to the ownership and inheritance of sections of these houses, and of the limitations upon the power of sale that they should not pass out of the kinship. The same also with respect to sections of the village garden. All the facts with respect to their ancient usages and mode of life should be ascertained, so far as it is now possible to do so from the present inhabitants of these pueblos. The information thus given will serve a useful purpose in explaining the pueblos in ruins In Yucatan and Central America, as well as on the San Juan, the Chaco, and the Gila.

At the time of their discovery the Pueblo Indians of New Mexico generally worshiped the sun as their principal divinity. Although under constraint they became nominally Roman Catholic, they still retain, in fact, their old religious beliefs. Mr. Miller has sent me some information upon this subject concerning the pueblos of Taos, Jemez, and Zia.

"Before the Spaniards forced their religion upon the people, the pueblo of Taos had the Sun for their God, and worshiped the Sun as such. They had periodical assemblages of the authorities and the people in the estufas for offering prayers to the Sun, to supplicate him to repeat his diurnal visits, and to continue to make the maize, beans, and squashes grow for the sustenance of the people. 'The Sun and God,' said the governor (Mirabal) to me, 'are the same. We believe really in the Sun as our God, but we profess to believe in the God and Christ of the Catholic Church and of the Bible. When we die, we go to God in Heaven. I do not know whether Heaven is in the Sun, or the Sun is Heaven. The Spaniards required us to believe in their God, and we were compelled to adopt their God, their church, and their doctrines, willing or unwilling. We do not know that under the American Government we may exercise any religion we choose, and that the National Government and the church government are wholly disconnected. We have very great respect and reverence for the Sun. We fear that the Sun will punish us now, or at some future time, if we do evil. The modern pueblos have the Sun religion really, but they profess the Christian religion, of which they know nothing but what the Catholic religion teaches. They

always believed that Montezuma would come again as the messiah of the pueblo. The Catholic religion has been so long outwardly practiced by the people that it could not now, they think, be easily laid aside, and the old Sun religion be established, because it is looked upon as established by the law of the land, and therefore necessarily practiced. Nevertheless, the Indians will always follow and practice, as they do, both religions. If,' said the governor, 'one Indian here at this pueblo were to declare that he intended to renounce and abandon the religion of his fathers (the worship of the Sun) and adopt the Christian religion as his only faith, and another Indian were to declare that he intended to repudiate the Christian religion and adopt and practice only the Sun religion, the former would be expelled the pueblo, and his property would be confiscated, but the other would be allowed to remain with all his rights.'

"There are three old men in the pueblo whose duty it is to impart the traditions of the people to the rising generation. These traditions are communicated to the young men according to their ages and capacities to receive and appreciate them. The Taos Indians have a tradition that they came from the north; that they found other Indians at this place (Taos) living also in a pueblo; that these they ejected after much fighting, and took and have continued to occupy their place. How long ago this was they cannot say, but it must have been a long time ago. The Indians driven away lived here in a pueblo, as the Taos Indians now do."

Mr. Miller also communicates a conversation had with Juan Jose, a native of Zia, and Jose Miguel, a native of Pecos, but then (December, 1877) a resident of the pueblo of Jemez, which he wrote down at the time, as follows: "Before the Spaniards came, the religion of Jemez, Pecos and Zia, and the other pueblos, was the Montezuma religion. A principal feature of this religion was the celebration of Dances at the pueblo. In it, God was the sun. Seh-un-yuh was the land the Pueblo Indians came from, and to it they went when dead. This country (Seh-un-yuh) was at Great Salt Lake. They cannot say whether this lake was the place where the Mormons now live, but it was to the north. Under this great lake there was a big Indian Pueblo, and it is there yet. [Footnote: The Iroquois have a similar tradition of the ancient existence of an Indian village under Otsego Lake in New York.] The Indian dances were had only when prescribed by the cacique. The Pueblo Indians now have two religions, that of Montezuma, and the Roman Catholic. The Sun, Moon, and Stars were Gods, of which the greatest and

most potent was the Sun; but greater than he was Montezuma. In time of drought, or actual or threatened calamity, the Pueblo Indians prayed to Montezuma, and also to the Sun, Moon, and Stars. The old religion (that of Montezuma) is believed in all the New Mexican pueblos. They practice the Catholic religion ostensibly; but in their consciences and in reality the old religion is that of the pueblos. The tenets of the old religion are preserved by tradition, which the old men communicate to the young in the estufas. At church worship the Pueblo Indians pray to God, and also to Montezuma and the Sun; but at the dances they pray to Montezuma and the Sun only. During an actual or threatened calamity the dances are called by the cacique. They have two Gods; the God of the Pueblos, and the God of the Christians. Montezuma is the God of the Pueblo."

This account of the Sun worship of the Taos Indians, in which is intermingled that of Montezuma, and the further account of the worship of Montezuma at the pueblos of Zia and Jemez, with the recognition of the worship of the Sun, Moon, and Stars, are both interesting and suggestive. It is probable that Sun worship is the older of the two, while that of Montezuma, as a later growth, remained concurrent with the other in all the New Mexican pueblos without superseding it. In this supernatural person, known to them as Montezuma, who was once among them in bodily human form, and who left them with a promise that he would return again at a future day, may be recognized the Hiawatha of Longfellow's poem, the Ha-yo-went'-ha of the Iroquois. It is in each case a ramification of a widespread legend in the tribes of the American aborigines, of a personal human being, with supernatural powers, an instructor of the arts of life; an example of the highest virtues, beneficent, wise, and immortal.

"They have," remarks Mr. Miller, "one curious custom which has always been observed in the pueblo. It is for some one (sometimes several simultaneously) to seclude themselves entirely from the outer world, abstaining absolutely from all personal communication with others, and devoting themselves solely to prayer for the pueblo and its inhabitants. This seclusion lasts eighteen months, during which they are furnished daily, by a confidential messenger, with a little food, just enough to preserve life, and during which time they may not even inquire about their wives or children or be told anything of them though the messenger may know that some of them are sick or have died. The food the recluse is permitted to use is corn, beans, squashes, and buffalo and deer meat; that is, such food as was used

before the coming of the Spaniards. This religious seclusion is in honor of the Sun. It is one of the rites of the ancient religion of the Pueblo, preserved and practiced now. One of the old men I talked with said that he had himself the previous year emerged from this hermitage; three others were now in, they having retired to exile in February, 1877, and will emerge in August, 1878, then to learn the news of the previous year and a half."

CHAPTER VII.

RUINS OF HOUSES OF THE SEDENTARY INDIANS OF THE SAN JUAN RIVER AND ITS TRIBUTARIES.

The finest structures of the Village Indians in New Mexico, and northward of its present boundary line, are found on the San Juan and its tributaries, unoccupied and in ruins. Even the regions in which they are principally situated are not now occupied by this class of Indians, but are roamed over by wild tribes of the Apaches and the Utes. The most conspicuous cluster of these ruined and deserted pueblos are in the canyon or valley of the Rio Chaco, which stream is an affluent of the San Juan, a tributary of the Colorado. Similar ruins of stone pueblos are also found in the valley of the Animas River, and also in the region of the Ute Mountain in Southwestern Colorado. Ruins of clusters of small single houses built of cobble-stone and adobe mortar, and of large pueblos of the same material, are to be seen in the La Plata Valley, and in the Montezuma Valley, west of the Mancos River. On the Mancos River are a large number of cliff houses of stone, and also round towers of stone, of which the uses are not at present known. Cliff houses are also found on the Dolores River. Other ruins are found in the canyon of the Rio de Chelly.

The supposition is reasonable that the Village Indians north of Mexico had attained their highest culture and development where these stone structures are found. They are similar in style and plan to the present occupied pueblos in New Mexico, but superior in construction, as stone is superior to adobe or to cobble-stone and adobe mortar. They are also equal, if not superior, in size and in the extent of their accommodations, to any Indian pueblos ever constructed in North America. This fact gives additional interest to these ruins, which are here to be considered.

Two separate explorations and reports upon the Chaco ruins have been made. The first was by Lieut. J. H. Simpson, who examined them in 1849 and first brought them to notice, and the second was a re-examination by William H. Jackson in 1877. He was connected with Prof. F. V. Hayden's Geological and Geographical Survey of the Territories, and his report is in that of Professor Hayden, published in 1878, p. 411.

The canyon of the Chaco, which commences about one hundred and ten miles northwest from Santo Domingo, on the Rio Grande, is quite remarkable. It has enough of the characteristics of the canyon to justify the application of this peculiar term. But it differs from the great canyons in the lowness of the bordering walls and in the great breadth of the space between. Neither Simpson nor Jackson describe the canyon or valley with as much particularity as could be desired, but Mr. Jackson has furnished a map, Fig. 29, showing the course of the stream with the walls of the canyon shaded in, and with the breaks or gullies through these walls reduced to a scale. This shows that the level plain between the encompassing walls ranges from half a mile to a mile in places. The walls of the canyon are composed of friable sandstone, and are usually vertical. Their height is not given with precision. The engraving also shows the outline forms and comparative size of the several structures, with specimens of three varieties of masonry used in the walls. No. 2 shows an alternation of courses of stone from four to six inches thick and from eight to twelve inches long, with intervening courses of several thin stones. The same alternation of courses reappears in the pueblos in ruins on the Animas River, about sixty miles north. The canyon commences very much like the McElmo Canyon in Southwestern Colorado, whose vertical walls are at first about three feet high, with a level space between from three hundred to five hundred feet in width; its walls rising slowly as you descend. Without a present running stream, and bordered with open prairie land, it makes a novel appearance to the eye. Lieutenant Simpson remarks that after leaving the pueblo Pintado, which is above the commencement of the canyon, "two miles over a slightly rolling country, our general course still being to the northwest, brought us to the commencement of the Canyon de Chaco, its width here being about two hundred yards. Friable sandstone rocks, massive above, stratified below, constitute its enclosing walls." [Footnote: Lieutenant Simpson's Report, p. 77.]

And Mr. Jackson, who entered it from the same point, remarks that "two miles from the river we descended into the canyon of the Chaco. It is here only about fifty feet in depth, with vertical walls of yellowish gray sandstone." [Footnote: Hayden's Report, p. 436.]

At a point twelve miles down, at the Pueblo Una Vida, he remarks that "the canyon is here about five hundred yards wide, and is perfectly level from one side to the other."

[Footnote: ib., p. 437.] Farther down the walls of the canyon rise about a hundred feet, as appears in the restorations of the Pueblo Bonito and of the Pueblo of Hungo Pavie. Whether the canyon is accessible or not from the table-land above over against the several pueblos, by means of the arroyos which break through the walls and enter the canyon, does not appear from these reports; but it seems probable, Mr. Jackson says, that near the Pueblo Bonito he ascended to the top of the bluff by means of a stairway partly cut in the face of the rock. [Footnote: ib., p. 448.]

Lieutenant Simpson, in his report, has furnished ground plans of five of these structures with measurements. Mr. Jackson has furnished eleven ground plans with measurements, two of which are without the canyon. They agree substantially, but we shall follow Mr. Jackson, as his are the most complete. The following engravings, with two or three exceptions, are taken from his report. The remainder are from Lieutenant Simpson's report.

The great edifices on the Chaco are all constructed of the same materials, and upon the same general plan, but they differ in ground dimensions, in the number of rows of apartments, and, consequently, in the number of stories. They contained from one hundred to six hundred apartments each, and would severally accommodate from five hundred to four thousand persons, living in the fashion of Indians. Speaking of the Pueblo of Pintado, Lieutenant Simpson remarks as follows: "Forming one structure, and built of tabular pieces of hard, fine-grained, compact, gray sandstone (a material entirely unknown in the present architecture of New Mexico), to which the atmosphere has imparted a reddish tinge, the layers or beds being not thicker than three inches, and sometimes as thin as one-fourth of an inch, it discovers in the masonry a combination of science and art which can only be referred to a higher stage of civilization and refinement than is discoverable in the works of Mexicans or Pueblos of the present day. Indeed, so beautifully diminutive and true are the details of the structure as to cause it at a little distance to have all the appearance of a magnificent piece of mosaic work."

"In the outer face of the buildings there are no signs of mortar, the intervals between the beds being chinked with stones of the minutest thinness. The filling and backing are done in rubble masonry, the mortar presenting no indications of the presence of lime. The thickness of the main wall at base is within an inch or two of three feet; higher up, it is less, diminishing every story by retreating jogs on the inside, from bottom to top.

Its elevation at its present highest point is between twenty-five and thirty feet, the series of floor beams indicating that there must have been originally three stories. The ground plan, including the court, in exterior development is about 403 feet. On the ground-floor, exclusive of the out-buildings, are fifty-four apartments, some of them as small as five feet square, and the largest about twelve by six feet. These rooms communicate with each other by very small doors, some of them as contracted as two and a half by two and a half feet; and in the case of the inner suite, the doors communicating with the interior court are as small as three and a half by two feet. The principal rooms, or those most in use, were, on account of their having large doors and windows, most probably those of the second story. The system of flooring seems to have been large transverse unhewn beams, six inches in diameter, laid transversely from wall to wall, and then a number of smaller ones, about three inches in diameter, laid longitudinally upon them. What was placed upon these does not appear, but most probably it was brush, bark, or slabs, covered with a layer of mud-mortar. The beams show no signs of the saw or axe; on the contrary, they appear to have been hacked off by means of some very imperfect instrument. On the west face of the structure, the windows, which are only in the second story, are three feet two inches by two feet two inches. On the north side they are only in the second and third stories, and are as small as fourteen by fourteen inches. At different points about the premises were three circular apartments sunk in the ground, the walls being of masonry. These apartments the Pueblo Indians called estufas, or places where the people held their political and religions meetings." [Footnote: Simpson's Report, p. 76.]

The main building, Fig. 30, is two hundred and thirty-eight feet long, and the wing one hundred and seventy-four feet. It seems probable, from the symmetrical character of most of these structures, that the original plan contemplated an extension of the main building, the addition of another wing, to be followed by the connection of the wings with a wall, thus closing the court. These buildings were not all completed at once, but were extended and increased in the number of stories from generation to generation, as the people increased in numbers and prosperity. The plan upon which these houses were erected favored such extension. The great size of some of these structures can only be explained by the hypothesis of growth through long periods of time. The stone for building this pueblo was found quite near. Mr. Jackson remarks that "on the side of the bluff facing

the valley is an outcrop of a yellowish-gray sandstone, showing in some places a seam of from twelve to eighteen inches in thickness, where the rock breaks into thin slate-like layers. It was from this stratum that most of the material in the walls was obtained." [Footnote: Jackson's Report, p. 433.] He further remarks concerning the estufas: "In the northwest angle of the court are two circular rooms, or estufas, the best preserved one of which is built into the main building and forms a portion of it, while the other stands outside, but in juxtaposition, and is evidently a later and less perfect addition. They are each twenty-five feet in diameter. The inside walls are perfectly cylindrical, and in the case of the inner one are in good preservation for a height of about five feet…. There are no side apertures, so that light and access was probably obtained through the roof. These estufas, which figure so prominently in these ruins and in fact in all the ancient ruins extending southward from the basin of the Rio San Juan, are so identical in their structure, position, and evident uses with the similar ones in the pueblos now inhabited, that they indisputably connect one with the other, and show this region to have been covered at one time with a numerous population, of which the present inhabitants of the pueblos of Moki and of New Mexico are either the remnants or the descendants…. Beneath the ground plan [in Fig. 30] is a section through a restoration of the pueblo from north to south, showing the manner in which the stories were probably terraced from the interior of the court outward. There is no positive evidence in any of these ruins that they were thus built, but this arrangement naturally suggests itself as being the only way in which light and ease of access to the inner rooms could be readily obtained. It is also quite certain from the character of the standing walls that they were not terraced symmetrically but irregularly, after the manner of the present pueblos. There is every reason to believe that the first story was, in every case, reached from the outside by ladders, the succeeding stories being also approached from the outside, either by ladders or by stone stairways, after the manner of the Moqui pueblos. There is no positive evidence to sustain any conjecture upon this point, as in every ruin the upper stories are so entirely dismantled that no indications of any sort of stairway have ever been found. The ground-floor was divided into smaller apartments than the second floor, many of the rooms, as shown in the plan, being in the lower story divided into two or three. It would be impossible to say how high this story had been, as the floor is covered to a considerable extent with stones

from the fallen walls. The second floor was ten feet between joists, and the third somewhat less, about seven feet, as near as we could judge from below. It is probable that there was a fourth story, but there is now very little evidence of it. Not a vestige of the vigas or other floor-timbers now remain. Some of the lintels over the doors or windows, composed of sticks of wood from one to two inches in thickness, laid close together, are now in fair preservation." [Footnote: Jackson's Report, p. 434.]

Twelve miles down the canyon from the Pueblo Pintado, are the ruins of the Pueblo Wege-gi, Fig. 30. The main building is two hundred and twenty-four feet, and the length of each wing is one hundred and twenty feet, measured on the outside, but which would include the depth of the main building. It is remarkably symmetrical. The rooms, Mr. Jackson says, are small, the largest being eight by fourteen feet, and the smallest eight feet square, and the estufas are each thirty feet in diameter. It is built like the last pueblo "of small tabular pieces of sandstone, arranged with beautiful effect of regularity and finish."

The Pueblo of Una Vida, Fig. 31, seems to have been in process of construction, and designed, when completed, to have been one of the largest in the valley. The main building is two hundred and fifty feet in length, and the wing two hundred feet. It requires for its completion a considerable extension of the main building, and the addition of another wing. If this supposition is tenable, it serves to show that these great houses were of slow construction, by the process of addition and extension from time to time, with the increase of the people in numbers. Upon this theory of construction, the first row of the main building on the court side would first be completed one story high, and covered with a flat roof; after which, by adding one parallel wall with partition walls at intervals, as many more apartments would be obtained; and by a third and fourth parallel wall, with partitions, twice as many more. The second row was carried up two stories, the third three, and the fourth four; the successive stories receding from the court side in the form of great steps or terraces, one above the other. The wings would be commenced and completed in the same manner. Further than this, it seems evident, from the present condition of the structure, that the main building was to be considerably extended, with a second wing like the first to fill out the original design and produce a symmetrical edifice. If these inferences are warranted, the interesting conclusion is reached that these Indian architects commenced their great houses upon a definite plan,

which was to be realized in its completeness after years and perhaps generations had passed away. Like the pueblo last named, it is built of tabular pieces of sandstone, and is two miles and a half lower down in the canyon.

The highest portions of the wall still standing in this pueblo are fifteen feet in height, twenty-five feet in Wege-gi, and thirty feet in Hungo Pavie.

The Pueblo of Hungo Pavie or Crooked Nose, Fig. 31, is situated one mile further down in the canyon, upon the north side, and quite near the bordering walls. In exterior development, including the court, it is eight hundred and seventy-two feet, of which the back wall measures three hundred, and the side walls or wings one hundred and forty-four feet each. It is of medium size, but symmetrical, and larger than any single aboriginal structure in Central America in ground dimensions. There are seventy-three apartments in the first story, some of which are unusually large, being about thirteen by eighteen feet, and with fifty-three rooms in the second story, and twenty-nine in the third, contain an aggregate of one hundred and fifty-five rooms. It would accommodate from eight hundred to one thousand Indians.

To complete the representation of the architectural design of these "great houses of stone," the annexed elevation is given, Fig. 32. It is a restoration of the Pueblo of Hungo Pavie, made by Mr. Kern, who accompanied General Simpson as draughtsman, and copied from his engraving. The walls of the canyon are seen in the background of engraving. We may recognize in this edifice, as it seems to the author, a very satisfactory reproduction of the so-called palaces of Montezuma, which, like this, were constructed on three sides of a court which opened on a street or causeway, and in the terraced form. From the light which this architecture throws upon that of the Aztecs, which was contemporary, it appears extremely probable that these famous palaces, considered as exclusive residences of an Indian potentate, are purely fictitious; and that, on the contrary, they were neither more nor less than great communal or joint-tenement houses of the aboriginal American model, and with common Indians crowding all their apartments. From what is now known of the necessary constitution of society among the Village Indians, it scarcely admits of a doubt that the great house in which he lived was occupied on equal terms by many other families in common with his own, all the individuals of which were joint proprietors of the establishment which their own hands had constructed.

Two miles further down, and upon the north side of the canyon, near the bluff, are the ruins of the Pueblo of Chettro Kettle, or the Rain Pueblo, Fig. 33. The main building and the wings face the court, from which alone they are entered, and from which the several stories recede outward. Including the court, this great edifice has an exterior development of one thousand three hundred feet. The exterior wall of the main building measures four hundred and fifty-two feet in length, and the longest of the wings two hundred and twenty feet. These measurements are according to General Simpson.

From these measurements some impression may be formed of the extent of the accommodations such an edifice would afford, especially in Indian life, where a married pair and their children are found in a smaller space than one of these apartments supplied. The plan shows one hundred and seventy-five apartments in the ground story; one hundred and thirty-four in the second; one hundred and thirteen in the third; sixty in the fourth, and twenty-four in the fifth—making an aggregate of five hundred and six apartments. It is not probable that the several stories were carried up symmetrically, which would involve a diminution of some of the rooms in the upper stories. This pueblo is constructed of the same materials as those before named. "The circular estufas," Lieutenant Simpson remarks, "of which there are six in number, have a greater depth than any we have seen, and differ from them also in exhibiting more stories, one of them certainly showing two, and possibly three, the lowest one appearing to be almost covered up with debris."

This room, Fig. 34, is described by Lieutenant Simpson, but at the time of Mr. Jackson's visit he was unable to find it. "In the northwest corner of the ruins," Lieutenant Simpson remarks, "we found a room in an almost perfect state of preservation…. This room is fourteen by seven and a half feet in plan, and ten feet in elevation. It has an outside doorway, three and a half feet high by two and a quarter wide, and one at its west end, leading into the adjoining room, two feet wide, and at present, on account of rubbish, only two and a half feet high. The stone walls still have their plaster upon them in a tolerable state of preservation. In the south wall is a recess or niche, three feet two inches high by four feet five inches wide by four deep. Its position and size naturally suggested the idea that it might have been a fire-place, but if so, the smoke must have returned to the room, as there was no chimney outlet for it. In addition to this large recess, there were three

smaller ones in the same wall. The ceiling showed two main beams, laid transversely; on these, longitudinally, were a number of smaller ones in juxtaposition, the ends being tied together by a species of wooden fibre, and the interstices chinked in with small stones; on these, again, transversely, in close contact, was a kind of lathing of the odor and appearance of cedar, all in a good state of preservation." [Footnote: Lieutenant Simpson's Report, p. 63.]

When in its original condition, this fine pueblo must have made a very striking appearance.

Immediately under the walls of the canyon, and about a quarter of a mile below the last pueblo, are the ruins of the still-greater Pueblo Bonito, Fig. 35. This edifice is, in some respects, the most interesting of the series as well as the best preserved in certain portions. Its exterior development, including the court, is one thousand three hundred feet. Its corners are rounded, and the east wing, now the most ruinous part of the structure, appears to have had row upon row of apartments added, until nearly one-third of the area of the court was covered. "Its present elevation," General Simpson observes, "shows that it had at least four stories of apartments. The number of rooms on the ground floor is one hundred and thirty-nine. In this enumeration, however, are not included the apartments which are not distinguishable in the eastern portion of the pueblo, and which would swell the number to about two hundred. There, then, having been at least four stories of rooms … there must be a reduction … of one range of rooms for every story after the first, which would increase the number to six hundred and forty-one." [Footnote: Simpson's Report, p. 81.]

No single edifice of equal accommodations, it may be here repeated, has ever been found in any part of North America. It would accommodate three thousand Indians.

One of the best of its rooms is shown in the engraving, Fig. 36. It will compare, not unfavorably, with any of equal size to be found at Palenque or Uxmal, although, from the want of a vaulted ceiling, not equal in artistic design. The nice mechanical adjustment of the masonry and the finish of the ceiling are highly creditable to the taste and skill of the builders. "It is walled up," says Simpson, "with alternate beds of large and small stones, the regularity of the combination producing a very pleasant effect. The ceiling of this room is also more tasteful than any we have seen, the transverse beams being smaller and more numerous, and the longitudinal

pieces, which rest upon them, only about an inch in diameter, and beautifully regular These latter have somewhat the appearance of barked willow. The room has a doorway at each end, and one at the side, each of them leading into adjacent apartments. The light is let in by a window two feet by eight inches on the north side." [Footnote: Simpson's Report, p. 81.]

Mr. Jackson's study of the ruins enabled him to produce a restoration, which is given in his report, and of whose plate Fig. 37 is a copy. It is an interesting work, considered as a restoration, which can only claim to be an approximation. It will be noticed that three passage-ways were left open into the court, although the ground plan shows but one. In the Yucatan edifices, as the House of the Nuns at Uxmal, there is usually an arched gateway through the center of the building facing the court. The court was also open at each of the four angles, which, however, might have been protected by palisades in time of danger. The walls of the canyon are seen in the background of the engraving.

Of this pueblo, Mr. Jackson remarks that "three hundred yards below are the ruins of the Pueblo del Arroyo, Fig. 38, so named probably because it is on the verge of the deep arroyo which traverses the middle of the canyon." This was given only a passing glance by Simpson, but it well repays more careful inspection. It is of the rectangular form, but with the open space or court facing a few degrees north of east. The west wall is two hundred and sixty-eight feet long, and the two wings one hundred and twenty-five and one hundred and thirty-five feet, respectively; their ends connected by a narrow and low semi-circular wall. The wings are the most massively-built and best-preserved portion of the whole building, that portion which lies between them and back of the court being much more ruinous and dissimilar in many respects. The walls, of the south wing, which are in the first story, very heavy and massive, are still standing to the height of the third story. Many, of the vigas are still in place, and are large and perfectly smooth and straight undressed logs of pine, averaging ten inches in thickness; none of the smaller beams or other wood-work now remains. There is one estufa thirty-seven feet in diameter in this wing. In the north wing the walls are standing somewhat higher, but do not indicate more than three stories, though there was probably another. The vigas of the second floor project through the wall for a distance of about five feet along its whole northern face, the same as in the Pueblo Hungo Pavie. There are two estufas; one near the east end of the wing, which is twenty-seven feet in

diameter, was three stories in height. The floor-beams are removed, but the remains show this plainly. The interior is nearly filled up, but it was originally over twenty-five feet in depth. The ruins of the other estufa are insignificant compared with this, and it probably consisted of but one low room. Facing the center of the court are remains of what were three circular rooms. At the end of the wings, outside of the building, are faint outlines of other circular apartments or inclosures, shown by dotted lines on the plan. In the central portion of the ruin, between the two wings, some rooms have been preserved entire. I crawled down into one of these through a small hole in the covering, and found its walls to consist of delicate masonry, thinly plastered and whitewashed. The ceiling was formed in the usual manner, fine willow brush supporting the earthen floor above, instead of the lath-like sticks or thin boards that were used in the exceptional cases noted.

Two miles below the Pueblo del Arroyo are the ruins of the Pueblo of Penyasca Blanca, Fig. 39. "This is the largest pueblo in plan we have seen," Lieutenant Simpson remarks, "and differs from others in the arrangement of the stones composing its walls. The walls of the other pueblos were all of one uniform character in the several beds composing it; but in this there is a regular alternation of large and small stones, which are about one foot in length and one-half a foot in thickness, form but a single bed, and then, alternating with these, are three or four beds of very small stones, each about an inch in thickness. The general plan of the structure also differs from the others in approximating the form of the circle. The number of the rooms at present discoverable upon the first floor is one hundred and twelve: and the existing walls show that there have been at least three stories of apartments. The number of circular estufas we counted was seven." [Footnote: Simpson's Report, p. 64.]

"In point of size," Mr. Jackson remarks, "the rooms of this ruin will average larger than in most of the others; the twenty-eight rooms, as they appear on the outer circumference, average twenty feet in length from wall to wall inside. The smallest, which are only ten feet wide, are at the two ends. The width of the rooms of each tier appears to have been constant throughout the length of the whole ruin. The dimensions given in these drawings are, in nearly every case, of those apartments which constitute the second story, as it is in those that there is the least obscuration of the walls.

"In most of the ruins the first floor is almost entirely filled up with debris, but when the ruins can be followed they show that this floor is generally

divided into much smaller apartments, two or three occurring sometimes in place of each one above them. The eastern half of the ellipse, as above said, consists of a single continuous line of small apartments, with a uniform width of thirteen feet inside and an average length of twenty feet. By a curious coincidence the same number of rooms are in this row as in the outer tier of the main building. The walls of the central portion for a distance of about two hundred feet are in fair preservation, standing in places six to eight feet in height, the dividing walls showing apertures leading from one room to another. They are built of stones uniform in size, averaging six by nine by three and a half inches. Mortar was used between the stones instead of the small plates of stone. At both ends, for a distance of some two hundred feet from the point of juncture with the main building, the walls are entirely leveled, but enough remains to show the dimensions of each apartment. Twenty yards from the south end of the building are the ruins of a great circular room fifty feet in diameter, with some portions of its interior wall in such preservation that its character is readily discernible." [Footnote: Hayden's Tenth Annual Report, 1878, p. 446.]

Without the canyon, upon the mesa, and about half a mile back of the bluff, upon the north side, are the ruins of the Pueblo Alto, constructed of stone on three sides of a court, like those before described. The main building is three hundred feet long, and one wing is two hundred feet measured externally from the back end of the main building, the other wing is one hundred and seventy feet measured the same way. This wing is but two rooms deep, while the main building and the other wing are each three rooms deep. It has six estufas, with remains of a convex wall, connecting the two wings, and inclosing the court. These estufas, like those in the other pueblos, suggest the probability that they were places for holding the councils of the gentes and phratries.

This great ruin, with two others of smaller size, shown in Fig. 38 as No. 8 and No. 9, of which the first is one hundred and thirty-five feet long and one hundred feet deep, and the other seventy-eight by sixty-three feet, both of stone, complete the list of ruins in the canyon. The pueblo of Pintado, is, however, at the upper end, and without the canyon, and the Pueblo Alto, not yet described, is not in the canyon, but on the bluff. It is a remarkable display of ancient edifices; the most remarkable in New Mexico. With the bordering walls of the canyon, rising vertically, in places, one hundred feet high, it presented long vistas in either direction, with natural and inclosing

walls. Shut in from all view of the table lands at the summit of these walls, this valley, at the time its great houses were occupied, must have presented a very striking picture of human life as it existed in the Middle Period of Barbarism. The greater part of the valley must have been covered with garden beds, from which the people derived their principal support, as the mesa lands without the canyon were too dry for cultivation. It no doubt presented an interesting picture of industrious and contented life, with a corresponding advancement in the arts of this period. There is still some uncertainty concerning the time when these pueblos were last occupied, and the fate of their inhabitants. There are a number of circumstances tending to show that they were the "Seven Cities of Cibola," against which the expedition of Coronado was directed in 1540-1542. There are seven pueblos in ruins in the canyon, without reckoning Nos. 8 and 9, the smallest in the valley. Some of the facts which point to these pueblos as the Towns of Cibola may here be noted.

In his Relation to the Viceroy, which is dated from the province of Cibola, August 3, 1540, Coronado describes his conquest and intimates his disappointment in the following language:

"It remaineth now to certify your Honor of the seven cities, and of the kingdoms and provinces whereof the Father Provincial made report unto your Lordship. And, to be brief, I can assure your Honor he said the truth in nothing that he reported, but all was quite contrary, saving only the names of the cities, and great houses of stone, for although they be not wrought with turqueses, nor with lime, nor bricks, yet they are very excellent good houses, of three, or four, or five lofts high, wherein are good lodging and fair chambers, with ladders instead of stairs, and certain cellars under the ground, very good and paved, which are made for winter,—they are in manner like stoves; and the ladders which they have for their houses are in a manner moveable and portable, which are taken away and set down when they please; and they are made of two pieces of wood, with their steps, as ours be. The seven cities are seven small towns, all made with these kind of houses that I speak of; and they stand all within four leagues together, and they are all called the Kingdom of Cibola, and every one of them have their particular name, and none of them is called Cibola, but all together they are called Cibola. And this town, which I call a city, I have named Granada, as well because it is somewhat like unto it, as also in remembrance of your Lordship. In this town where I now remain there may be some two hundred

houses, all compassed with walls; and, I think, that, with the rest of the houses which are not so walled, they may be together five hundred. There is another town near this, which is one of the seven, and it is somewhat bigger than this, and another of the same bigness that this is of, and the four are somewhat less; and I send them all painted unto your Lordship with the voyage. And the parchment wherein the picture is was found here with other parchments. The people of this town seem unto me of a reasonable stature, and witty, yet they seem not to be such as they should be, of that judgment and wit to build these houses in such sort as they are…. They travel eight days' journey unto certain plains lying towards the North Sea. In this country there are certain skins, well dressed; and they dress them and paint them where they kill their oxen [buffalo]; for so they say themselves." [Footnote: Hakluyt, vol iii, p. 377.]

On the fourth day after the capture of Cibola, Coronado further says: "They set in order all their goods and substance, their women and children, and fled to the hills, leaving their towns as it were abandoned, wherein remained very few of them." [Footnote: ib., vol. iii, p. 379.]

It will be observed that the phrases "great houses of stone," and "good houses of three, or four, or five lofts high," not only describe the pueblo on the Chaco in apt language, but there are no other pueblos in New Mexico, exclusively of stone, of which we have knowledge, except those of the Mokis, in the Canyon de Chelly, on the Animas River, and elsewhere in Southwestern Colorado. There is an apparent difficulty in the narrative, in the reference made to the number of houses; but it is evident, I think, that Coronado meant apartments or sections, treating each great house as a block of houses, and expressing a doubt of their "judgment and wit to build these houses in such sort as they are." If any doubt remained, it is entirely removed by the fact that all the pueblo houses in New Mexico, whether occupied or in ruins, are great edifices constructed like these on the communal principle, and that two hundred such houses grouped in one town were an utter impossibility.

Jaramillo, who wrote his Relation some time after the return of the expedition, remarks, "that all the water-courses that we fell in with, whether brook or river, as far as that of Cibola, and I believe for one or two days' journey beyond, flow in the direction of the South Sea [the Pacific]; farther on they take the direction of the North Sea [the Atlantic]". [Footnote: Col. H. Ternaux-Compans, vol. ix, p. 370.]

This tends to show that Cibola was situated on a tributary of the Colorado, which gathers all the waters of New Mexico west of the Rio Grande and north of the Gila, and also that it was situated quite near the dividing ridge. It is but ten miles from the Canyon de Torrejon, on the Puerco, a tributary of the Rio Grande, to the commencement of the Rio de Chaco, an affluent of the San Juan, and but twenty-three miles to the Pueblo Pintado. In this respect the sites of the ruins on the Chaco are in close agreement with the description of the situations of the towns of Cibola. Castanyada, after speaking of the seven villages, and the character of the houses, remarks that "the valley is very narrow, between precipitous mountains" ["C'est une vallee tres-etroite entre des montagues escarpees"], [Footnote: Castenyada Relation, Ternaux-Compans, ix, p. 164.] which, in the light of Coronado's declaration, that "the country is all plain, and on no side mountains," may perhaps have reference to the encompassing walls of the canyon. This language, literally interpreted, does not describe this canyon, neither is there any valley in New Mexico, occupied by pueblos, which answers this description.

Upon the evidence contained in these several narratives, and with our present knowledge of New Mexico, the sites of the seven towns of Cibola cannot be determined with certainty. It is a question of probabilities; and those which seem the strongest in favor of the ruins on the Chaco are the following: Firstly, they are superior, architecturally, to any pueblos in New Mexico, now existing or in ruins, and agree in number and in proximity to each other, with the towns of Cibola as described. Secondly, they are upon an affluent of the San Juan, and within "one or two days' journey" of the waters which flow into the Gulf of Mexico; in other words, they are near the summit of the watershed of the two oceans, where Jaramillo distinctly states Cibola was situated. Thirdly, they are within eight days of the buffalo ranges, the nearest of which are upon the northeastern confines of New Mexico. Cibola was said to be thus situated. Moreover, the name Cibola implies the buffalo country. We are also told by Friar Marcos that the Indians south of the Gila trafficked with the Cibolans for ox-hides, which he found them wearing. Zunyi, the only known place, showing a probability that it was one of the seven towns, is too far distant from the buffalo ranges to answer to this portion of the narrative. Lastly, the evidence, collectively, favors a far northern as well as far eastern position for Cibola. The people of Cibola knew nothing of either ocean. This could hardly have been true of

the people of Zunyi with respect to the Pacific, or at least the Gulf of California. Coronado himself was in doubt as to which sea was nearest, and seems to have been conscious of the widening of the continent upon both sides of him. Assuming that the pueblos on the Chaco were inhabited in 1540, they were the finest structures then in New Mexico. Coronado captured all the villages on the Rio Grande, and probably sent a detachment to the Moki Pueblos, and remained two years in the country. It seems impossible, therefore, that he should have failed to find the pueblos on the Chaco; and they answer his description better than any other pueblos in New Mexico.

With respect to the manner of constructing these houses, it was probably done, as elsewhere remarked, from time to time, and from generation to generation. Like a feudal castle, each house was a growth by additions from small beginnings, made as exigencies required. When one of these houses, after attaining a sufficient size, became overcrowded with inhabitants, it is probable that a strong colony, "like the swarm from the parent hive, moved out, and commenced a new house, above or below, in the same valley." This would be repeated, as the people prospered, until several pueblos grew up within an extent of twelve or fifteen miles, as in the valley of the Chaco. When the capabilities of the valley were becoming overtaxed for their joint subsistence, the colonists would seek more distant homes. At the period of the highest prosperity of these pueblos, the valley of the Chaco must have possessed remarkable advantages for subsistence. The plain between the walls of the canyon was between half a mile and a mile in width near the several pueblos, but the amount of water now passing through it is small. In July, according to Lieutenant Simpson, the running stream was eight feet wide and a foot and a half deep at one of the pueblos; while Mr. Jackson found no running water and the valley entirely dry in the month of May, with the exception of pools of water in places and a reservoir of pure water in the rocks at the top of the bluff. The condition of the region is shown by these two statements. During the rainy season in the summer, which is also the season of the growing crops, there is an abundance of water; while in the dry season it is confined to springs, pools and reservoirs. From the number of pueblos in the valley, indicating a population of several thousand, the gardens within it must have yielded a large amount of subsistence; the climate being favorable to its growth and ripening.

CHAPTER VIII.

RUINS OF HOUSES OF THE SEDENTARY INDIANS OF THE SAN JUAN RIVER AND ITS TRIBUTARIES—CONTINUED.

About sixty miles north of the pueblos on the Chaco, and in the valley of the Animas River, is a cluster of stone pueblos, very similar to the former. These I visited in 1878. The valley is broad at this point, and for some miles above and below to its mouth. At the time of our visit (July 22) the river was a broad stream, carrying a large volume of water. We followed down the river from the point of its rise in the dividing range, where it was a mere brook, nearly the whole distance through Silverton to Animas City. The constant accession of mountain streams, and the rapid descent of its bed, soon changed it into a noisy and dashing stream. About twenty miles above Animas City we were compelled to ascend to the top of the bordering mountains to avoid the narrow canyon below, which was impassable; and in descending from Animas City to visit these pueblos we crossed over to the La Plata Valley, and after passing through this valley we recrossed to the Animas Valley to avoid similar canyons also impassable. The supply of water for irrigation at the pueblo was abundant. [Footnote: The engravings of Figs. 40, 41 and 41a were kindly loaned by Mr. F. W. Putnam of the Peabody Museum, Cambridge, Mass.]

The pueblo of which the ground plan is shown, Fig. 40, is one of four situated within the extent of one mile on the west side of the Animas River in New Mexico, about twelve miles above its mouth. Besides these four, there are five other smaller ruins of inferior structures within the same area. This pueblo was five or perhaps six stories high, consisting of a main building three hundred and sixty-eight feet long, and two wings two hundred and seventy feet long, measured along the external wall on the right and left sides, and one hundred and ninety-nine feet measured along the inside from the end back to the main building.

[Illustration: Fig. 40—Ground plan of Pueblo on Animas River, N. M.]

A fourth structure crosses from the end of one wing to the end of the other, thus inclosing an open court. It was of the width of one and perhaps two rows of apartments, and slightly convex outward, which enlarged

somewhat the size of the court. The main building and the wings were built in the so-called terraced form; that is to say, the first row of apartments in the main building and in each wing on the court side were but one story high. The second row back of these were carried up two stories high, the third row three stories, and so on to the number of five stories for the main building and four for each wing. The external wall rose forty or fifty feet where the structure was five stories high and but ten feet on the court side, including a low parapet wall, where the structure was but one story high. There was no entrance to these great structures in the ground story. After getting admission within the court, they ascended to the roof of the first row of apartments by means of ladders, and in the same way, by ladders, to each successive story. As the second story receded from the first, the third from the second, and so on, each successive story made a great step ten feet high. The apartments were entered through trap-doors in the roof of each story, the descent being by ladders inside. In some places, without doubt, the upper stories were entered by doorways from the roof of the story in front.

The two wings are a mass of ruins. Pit-holes along the summit show the forms of the rooms, with plain traces of the original walls here and there, and excavations, made by curious settlers, have opened a number of rooms in the ground story of one of the wings. These we entered and measured. Some of the rooms were faced with stone, i.e., we found a stone wall regularly laid up, like the one in the main building, as will elsewhere be shown. Some of the walls in these rooms were of cobblestone and adobe; others were of stone with natural faces and cobblestone intermixed. We saw no wall of adobe brick alone. The fallen walls formed a mass about twelve feet deep over the site of the wings, being the deepest on the outside and thinning out on the court side.

The mass of material used in the construction of these edifices was very great and surprises the beholder. It is explained in part by the thickness of the walls. We measured a number of them. They were two feet four inches, two feet six inches, two feet nine inches, three feet, and in rare cases three feet six inches thick. None measured less than two feet.

The main building was originally the best constructed part of the edifice, it may be supposed, because a part of it now remains standing. The walls of the first story, of some part of the second, and, in some places, of a part of the third story, forming the second row of apartments from the outside, are still standing, and rise about twenty five feet from the ground. The

measurements of the second row of apartments, as shown in the diagram were from the standing walls, and were made in the second story.

The first or basement story is filled up with the rubbish of the fallen walls, ceilings, and floors, in the second row of apartments named. In some cases they are full above the line of the original ceilings; in others nearly up to them. The main ceiling beams were of yellow cedar from eight to twelve inches in diameter, usually three and four in number, and were placed across the narrow way of the room. Stubs of these beams still remain in the walls parallel with the court. Just above the line of these beams in the other two walls were the ends of a row of poles about four inches in diameter, which passed transversely across the cedar beams Stubs of these poles, broken off short at the line of the walls, still remain in place. Upon these poles were originally thin pieces of split cedar limbs, and then the floor of adobe mortar, four or five inches thick. We thus get the position and height of the floor of the first and second stories, which were about nine feet six inches for the ground story, and nine feet for the second story.

The external wall of the main building has fallen the entire length of the structure. As these ruins are resorted to by the few settlers in the valley as a stone quarry to obtain stone for foundations to their houses and barns, and for stoning up their wells, the loose material is being gradually removed, and when the standing walls are more convenient to take they will be removed also. One farmer told me he thought that one quarter of the accessible material of this and the adjacent stone pueblo had already been removed. It is to be hoped that the number of these settlers inclined to Vandalism will not increase.

A part of the partition walls which connected the outside wall with the next parallel wall is still standing where the wall last named rises above the second story. They stand out for three or four feet like buttresses against the wall, and show that the masonry of the parallel and transverse walls was articulated, that the partition walls were continuous from front to rear, and that the walls of the several stories rested upon each other. All this is seen by a bare inspection of the walls as they now stand.

The masonry itself is the chief matter of interest in these structures. Every room in the main building was faced with stone on the four sides, having an adobe floor and a wooden ceiling. Each room had, as far as walls now remain to show, two doorways through the walls parallel with the court, and four openings about twelve inches square, two on the side of each doorway,

near the ceiling. These openings were for light and ventilation. In a limited sense it may be said that the stones were dressed, and also that they were laid in courses, but, in the high and strict meaning of these terms, neither is true. The stones used were small and of different sizes. Sometimes they were nearly square, from six to eight inches on a side; sometimes a foot long by six inches wide. The latter is the size of the stones used at Uxmal and Chichen Itza, according to Norman. In some cases longer and thicker stones were used without any attempt to square the ends. In some instances thin pieces of stone were employed with parallel faces. In all cases the stone was a sandstone, now of a reddish brown color. It is the prevailing stone in the bluffs of the Animas River, and of all the rivers parallel with it running into the San Juan, as far as personal observation enabled me to judge. It is a soft rather than a hard stone, usually of a buff color when first quarried, and some of it has decayed in the using. The wasted and weatherworn appearance of some of these stones would otherwise indicate a very great age for the structure. With stone of the size used a good face can be formed by simple fracture, and a joint sufficiently close may be made by a few strokes with a stone maul. If finer work was aimed at, it must have been accomplished by rubbing the stones to a face. But this work is sufficiently explained by the former processes. In the row of apartments and stories named, both faces of each wall were of stone, so that all of the apartments were of stone on the inside. They were fair walls, both in masonry and workmanship, and creditable to the builders. There was an attempt to lay up these walls in courses of uniform thickness, but each course differing from the one above and below it. The attempt was only partially successful. They did not hesitate to break in upon the regularity of the courses. Some of the standing walls are now sprung; but most of them are straight, and fairly vertical, the adobe mortar being sound and the bond unbroken.

The Indian had a string from time immemorial. With it he could strike a circle, and lay out the four sides of a quadrangular structure with tolerable correctness. It is not too much to assume that with a string and sinker attached the Village Indian had the plumb-line, and could prove his wall as well as we can. At all events, the eye still proves the general correctness of their work.

The adobe mortar of the Pueblo Indians is something more than mud mortar, although far below a mortar of lime and sand. Adobe is a kind of finely pulverized clay with a bond of considerable strength by mechanical

cohesion. In Southern Colorado, in Arizona, and New Mexico, there are immense tracts covered with what is called adobe soil. It varies somewhat in the degree of its excellence. The kind of which they make their pottery has the largest per cent of alumina, and its presence is indicated by the salt weed which grows in this particular soil. This kind also makes the best adobe mortar. The Indians use it freely in laying their walls, as freely as our masons use lime mortar; and although it never acquires the hardness of cement, it disintegrates slowly. The mortar in these walls is still sound, so that it requires some effort of strength to loosen a stone from the wall and remove it. But this adobe mortar is adapted only to the dry climate of Southern Colorado, Arizona, and New Mexico, where the precipitation is less than five inches per annum. The rains and frosts of a northern climate would speedily destroy it. To the presence of this adobe soil, found in such abundance in the regions named, and to the sandstone of the bluffs, where masses are often found in fragments, we must attribute the great progress made by these Indians in house-building.

The exclusive presence of this adobe mortar in all New Mexican structures of the aboriginal period shows that the tribes of New Mexico were then ignorant of a mortar of lime and sand. And here a digression may be allowed to consider whether a cement of this grade was known to the aborigines. Theoretically, the use of a mortar composed of quick-lime and sand, which gives a cement chemically united, would not be expected of the Indian tribes either in North or South America. There is no sufficient proof that they ever produced a cement of this high grade. It requires a kiln, artificially constructed, and a concentrated heat to burn limestone into lime, supposing they had learned that lime could be thus obtained, and some knowledge of the properties of quick-lime before they reached the idea of a true cement. The Spanish writers generally speak of walls of lime and stone, thus implying a mortar of lime and sand. Thus, Bernal Diaz speaks of the great temple in the Pueblo of Mexico as surrounded "with double enclosures built of stone and lime."

[Footnote: The True History of the Conquest of Mexico, Keatinge's Translation, Salem ed., 1803, vol. i, p. 208.] Clavigero remarks that "the houses of lords and people of circumstances were built of stone and lime." [Footnote: History of Mexico, Cullen's Trans., Phila. ed., 1817, vol. ii, p. 232.]

Again, "the ignorant Mr. De Pauw denies that the Mexicans had either the knowledge or made use of lime; but it is evident from the testimony of all the historians of Mexico, by tribute rolls, and above all from the ancient buildings still remaining, that all these nations made the same use of lime as all the Europeans do." [Footnote: ib., vol. ii, p. 237.]

In like manner, Herrera, speaking of Zempoala, near Vera Cruz, remarks that the Spaniards, entering the town, found "the houses [were] built of lime and stone;" [Footnote: History of America, Stevens' Trans., London ed., 1725, vol ii, p. 266.] and again, speaking of the houses in Yucatan, he remarks that "at the place where the encounter happened, there were three houses built of lime and stone." [Footnote: ib., p. 112.]

These several statements can hardly be said to prove the fact of the use of a mortar of lime and sand. Mr. John L. Stephens, in speaking of the ruins at Palenque, is more explicit: "The building was constructed of stone, with a mortar of lime and sand, and the whole front was covered with stucco, and painted." [Footnote: Central America, Chiapas and Yucatan, vol. ii, p. 310.]

The back wall of the governor's house at Uxmal is nine feet thick through its length of two hundred and seventy feet. In this wall, by means of crowbars, "the Indians made a hole six and seven feet deep, but throughout the wall was solid and consisted of large stones imbedded in mortar, almost as hard as rock." [Footnote: ib., vol. i, p. 178.]

At the ruins of Zayi, there was one row of ten apartments, two hundred and twenty feet long, called the Casas Cerrada, or closed house, because the core over which the triangular ceiling was constructed had not been removed when the house was abandoned, of which Stephens says, "We found ourselves in apartments finished with the walls and ceilings like the others, but filled up (except so far as they had been emptied by the Indians) with solid masses of mortar and stones." [Footnote: Central American, Chiapas and Yucatan, vol. ii, p. 23.]

Norman, speaking of the ruins of the House of the Cacique at Chichen, remarks, "that the wall is made of large and uniformly square blocks of limestone set in mortar, which appears to be as durable as the stone itself." [Footnote: Rambles in Yucatan, p. 120.]

Elsewhere, speaking of the ruins of Yucatan generally, he observes, "the stones are cut in parallelopipeds of about twelve inches in length and six in breadth, the interstices filled up of the same materials of which the terraces are composed." [Footnote: ib. p. 127]

That these tribes used mortar of some kind in their stone walls cannot be doubted, but these several statements do not prove the use of quick-lime, which is the main question. Mr. Stephens' statement satisfied me until I saw the New Mexican pueblos. These show that a very efficient mortar can be had without the use of lime. The Indians of Mexico and the coast tribes near Vera Cruz plastered their houses externally with gypsum, which made them a brilliant white, and the stucco used upon the inner walls of houses in Chiapas and Yucatan was not unlikely made of gypsum. This mineral is abundant as well as easily treated. From it comes plaster of Paris, and from it may have come in some form the bond which held the mortar together, to the strength of which Mr. Stephens refers.

The neatness and general correctness of the masonry is now best seen in the doorways. In the standing walls of the second story, and of the first, where occasionally uncovered, there are to be seen two doorways in each room, as before stated, running in all cases across the building from the court side toward the external wall, and never in the direction of its length. These doorways measured some three feet two inches in height by two feet six inches in width, and others three feet four inches by two feet seven inches.

The stone used in these doorways are rather smaller than those in other parts of the wall, but prepared in the same manner.

I brought away two of these stones, taken from the standing walls of the main building, as samples of the character of the work with respect to size and dressing. Fig. 41 represents one of them, engraved from a photograph. It measures eight inches in its greatest length by six inches in its greatest width, and it is two and three-quarter inches in thickness.

[Illustration: Fig. 41.—Stone from doorway.]

The upper and lower faces of the stone are substantially but not exactly, parallel. It also shows one angle, which is substantially, but not exactly a right angle and it was so adjusted that the long edge was on the doorway and short one in the wall of a chamber or apartment, with the right angle at the corner between them. This stone was evidently prepared by fracture, probably with a stone maul, and the regularity of the breakage was doubtless partly due to skill and partly to accident. It shows no marks of the chisel or the drove, or of having been rubbed, and where the square is applied to the sides or angles the rudeness of the stone is perfectly apparent.

Fig. 41a represents a sandstone cut by American skilled workmen in the form of a brick, and it is intended to show by comparison the great difference between the dressed stone of the civilized man and the ruder stone of the mason in the condition of barbarism. The comparison shows that no instruments of exactness were used in the stone work of the pueblo, and that exactness was not attempted. But the accuracy of a practiced eye and hand, such as their methods afforded, was reached, and this was all they attempted. With stones as rude as that shown in the figure, a fair and even respectable stone wall may be laid. The art of architecture in stone is of slow and difficult growth. Stone prepared by fracture with a stone hammer precedes dressed stone, which requires metallic implements. In like manner mud mortar or adobe mortar precedes a mortar of lime and sand. The Village Indians of America were working their way experimentally, and step by step, in the art of house-building, as all mankind have been obliged to do, each race for itself; and the structures the Village Indians have raised in various parts of America, imperfect as they are by contrast, are highly creditable to their intelligence.

Stone lintels were not used for these doorways, as stones three feet long would have been required. No stones of half that length are to be seen in any of the walls. They had, however, the idea of a stone lintel, for they used them in this structure over the foot-square openings for light and air. We found a stone lintel over an opening eighteen inches wide in a cliff house on the Mancos River. This was so firmly imbedded that we found its removal impossible. They used for a lintel six round cedar cross-pieces, Fig. 42, each about four inches in diameter and now perfectly sound.

[Illustration: Fig. 42.—Section of Cedar Lintel.]

In some of these doorways we noticed a peculiar feature. On the side toward the external wall, one and sometimes two of these wooden lintels were placed, four and sometimes six inches lower than the remainder, so that on entering from the outside room into the second room, the top of the doorway rose higher as the room was entered. A necessity was experienced to save the head from bumps, and the wonder is that it did not occur to them to raise the doorways to the height of the body. As the doorways were always open, no doors being used, it may well be that larger openings would have created stronger currents of air through the building than they wished. The ends of these lintels were hacked off by stone implements of some kind.

The peculiar arrangement of the doorways tends to show that this great house was divided into sections by the partition walls extending from the court to the exterior wall; and that the rooms above were connected with those below by means of trap-doors and ladders. If this supposition be well founded, the five rooms on the ground floor; from the court back; communicated with each other by doorways. The four in the second story communicated with each other in the same manner, and with those below through trap-doors in the floors. The three rooms in the third story communicated with each other by doorways, and with those below as before. The same would be true of the two rooms of the fourth story. It seems probable that the connected rooms were occupied by a group of related families.

We afterwards found the same thing nearly exemplified in the present occupied Pueblo of Taos, in New Mexico. We found that the families lived in the second and upper stories, and used the rooms below them for storage and for granaries. Each family had two, four, and six rooms, and those who held the upper rooms held those below.

In the south wing before mentioned, several rooms on the ground floor are still perfect, with the ceilings in place upholding the rubbish above. The openings or trap-doorways of two of these rooms are still perfect, but the ladders are gone. The rooms had been opened, us elsewhere stated, by late explorers. One of these trap-doors measured sixteen by seventeen inches, and the other sixteen inches square. Each was formed in the floor by pieces of wood put together. The work was neatly done. These rooms were smaller than the rooms above. Some were as narrow as four feet six inches, others six feet, showing that one room had been divided into two. The basement rooms were probably occupied for storage exclusively, whence their division. They were dark, except as light entered through the trap-doorway from above.

The structure connecting the wings and bounding the court was evidently a single or double row of apartments. This is shown by the amount of fallen material, which is larger than a wall would require, and from pits or depressions which plainly marked the outline of apartments.

There are two circular estufas in the main building, one twenty-three feet and the other twenty-eight feet in diameter. A part of the wall of the first estufa is still standing. It is of stone, mostly of blocks about five inches square, and laid in courses, with considerable regularity. The work is equal

to the best masonry in the edifice. In the open court, and near the outer structure, bounding it in front, is another estufa of great size, sixty-three and a half feet in diameter. These estufas, which are used as places of council, and for the performance of their religious rites, are still found at all the present occupied pueblos in New Mexico. There are six at Taos, three at each house, and they are partly sunk in the ground by an excavation. They are entered through a trap-doorway in the roof, the descent being by a ladder.

Outside the front wall closing the court, and about thirty feet distance therefrom, are the remains of a low wall crossing the entire front and extending beyond it. The end structures were about sixty-five feet long by forty feet wide, while at the center was a smaller structure, fifty-four feet long by eighteen wide. All its parts were connected. It was evidently erected for defensive purposes; but it is impossible to make out its character from the remains. One wing is several feet longer than the other, and the wall on the court side is about twenty feet longer than the opposite exterior wall, thus showing that they used no exact measurements.

There were no fire-places with chimneys in this structure. There are none in the ruins in Yucatan and Central America. It is a fair inference, therefore, that chimneys were entirely unknown to the aborigines at the time of their discovery. They have since that time been adopted into the old pueblo houses from American or Spanish sources. They are placed in one corner of the room. We saw recently at Taos two chimneys and two fire-places in one and the same room, one for cooking and the other for a fire to warm the room; proof conclusive that they were not to the chimney born. They were in an apartment of one of the principal chiefs.

In a number of rooms are recesses like niches left in the wall, about two feet six inches wide and high, and about eighteen inches deep. These furnished places to set household articles in, in the place of a mantel or shelf. We afterwards saw niches precisely similar at Taos, and thus used.

It remains to consider the number of rooms or apartments contained in this great edifice. It is plain that it was built in the terraced form, the second story set back from the first, the third from the second, and so on to the last, which was a single row of apartments, on the top somewhere, but not necessarily on the back side. Pueblos were not entirely uniform in this respect The edifice at Taos recedes in front and rear and even upon the sides. This may have been built in the same way, but it can neither be

proved nor disproved from the ruins. The number of apartments would not vary much whether the upper stories were symmetrically or irregularly formed. If symmetrical, the main building contained two hundred and sixty apartments, and each wing seventy, making the computation for the latter by area and from the number of depression still discernible, thus making an aggregate of four hundred rooms.

The house was a fortress, proving the insecurity in which the people lived. It was also a joint tenement house of the aboriginal American model, indicating a plan of life not well understood. It may indicate an ancient communism in living, practiced by large households formed on the principle of kin. In such a case the communism was limited to the household as a part of a kinship.

Those familiar with the remains of Indian Pueblos in ruins will recognize at once the resemblance between this pueblo and the stone pueblos in ruins on the Rio Chaco, in New Mexico, about sixty miles distant from these ruins, particularly the one called Hungo Pavie, so fully described by General J. H. Simpson. There is one particular in which the masonry agrees, viz., in the use of courses of thin stones, about half an inch in thickness, sometimes three together, and sometimes five and six. These courses are carried along the wall from one side to the other, but often broken in upon. The effect is quite pretty. These stones measure six inches in length by one-half an inch in thickness. General Simpson found the same courses of thin stones, and even thinner, in the Chaco ruins, and comments upon the pleasing effect they produced.

This edifice was a credit to the skill and industry of the men among the Village Indians; for the men, and not the women, were the architects and the masons, although the women undoubtedly assisted in doing the work. Women brought stone and adobe and cedar, and made adobe mortar, without a doubt, as they still do. One of the hopeful features in their advancement was the beginning of the reversal of the old usage which put all labor upon the women. It is now the rule among the Village Indians for the men to assume the heavy work, which was doubtless the case when this pueblo was constructed. They cultivated maize, beans, and squashes, in garden beds, and irrigated them with water drawn from the river by means of a canal, and passed in several smaller streams through their gardens. The men now engage in the work of cultivation. This is a sure sign of progress.

Off the south wing of the building, and without it, are the remains of an additional building, large enough for twenty or thirty rooms on the ground, some part of which were, doubtless, carried up two or more stories high; but it is a mass of indistinct ruins, about which little can be said except that some of the rooms were unusually large. This may have been the first building constructed, and the one occupied while the stone pueblo was being built.

[Illustration: Fig. 43.—Outline of a Stone Pueblo on Animus River.]

This outline plan is submitted with some hesitation, because the sketch from which it is taken was made in haste, and with no expectation of using it. It is but an approximation. Near the pueblo last described, and about five hundred feet northeasterly therefrom, is another pueblo in two sections, Fig. 43, with a space about fifteen feet wide between them. They may have been, and probably were, connected and inhabited as one structure. Some of the walls are still standing, and a number of the rooms in the ground story are well preserved, the ceilings still remaining in place. Although the structure is chiefly of stone like the last, some of the walls are of cobblestone and adobe mortar. The largest section seems to have had an open court in the center in the form of a parallelogram. This feature increased the difficulty of understanding the original form of the house and the arrangement of the rooms. The walls of the first, of parts of the second, and occasionally of parts of the third story, are still standing in places. Many of the rooms are small, as the measurements of the following rooms in the second story of the smallest building of the two will show:

3 feet 4 inches by 6 feet 6 inches, 4 feet by 8 feet 4 inches, 4 feet 7 inches by 14 feet 2 inches, 6 feet 5 inches by 14 feet 9 inches, 7 feet 3 inches by 16 feet 9 inches, 6 feet 4 inches by 11 feet 7 inches, 7 feet 3 inches by 7 feet 5 inches, 8 feet 7 inches by 15 feet. Height of rooms, 8 feet. The rooms were faced with stone laid up in the main in courses. They were small, from four to eight inches square, and the walls from two to three feet in thickness. Adobe mortar was used abundantly in the inner part of the wall, but not showing on the face at the joints, the stones being laid together as closely as the natural surfaces of the stone would permit, and without mortar near the edge. This feature was also characteristic of the walls of the pueblo first described.

Mr. Bandelier made to me recently the important suggestion that as far as any progress or improvement in this architecture, in style or character, can

be discerned, it seems to have been from smaller to larger rooms, followed by a reduction of the size of the house in ground dimensions. The last is more particularly illustrated by the houses in Yucatan, where single rooms are found, in rare cases, sixty feet long, but where the size of the house in ground dimensions is much smaller than of those in New Mexico. It was in consequence of an examination of some very old pueblo ruins in New Mexico, east of the Rio Grande, near Santo Domingo. There the pueblo was more like a cluster of cells than of rooms, as many of them were but four or five feet square, contrasting strongly with the present inhabited pueblos. The same fact may be seen at Taos. It was mentioned (p. 144) that the Taos Indians many years ago conquered and dispossessed the former occupants of a pueblo at this place, and that some remains of the old pueblo were still standing. In 1878 I visited one of the ground-rooms in the old structure still standing, and entirely alone. It was about five feet by six in ground-dimensions, and was then occupied by a solitary Taos Indian, a sort of hermit, as his place of residence. A bunk across one side furnished him both a bed and a seat, and the remaining room was scarcely sufficient to turn around in, but it gave him all the home he had, and, doubtless, all the room he needed. Another room, a few feet distant, also a part of the old pueblo, was still standing. These rooms were of adobe, and were about six feet high. As the Indian gained in experience and knowledge in the use and construction of the joint-tenement houses, improvements would gradually manifest themselves. It is important to find and trace this progress, as we have every reason to believe that it is one system of architecture throughout North America at least, with a connection of all its forms.

Along the curving or westerly side of the first building, and along the northerly side, there are cedar beams projecting about four feet from the wall in the second story on the line of the ceiling. They are about four inches in diameter. Their object is not apparent.

In one of the basement rooms of the second building are a series of pictographs upon a plastered wall. Our limited time would not permit a sketch.

Midway between the pueblo, Fig. 40, and the one now being considered is a circular ruin three hundred and thirty feet in circuit, which seems to have consisted of two concentric rows of apartments around an inclosed estufa. It was built of cobblestone and adobe mortar. Pit-holes indicate the form and plan of the inclosing rooms, but the ruin is too indistinct to form a clear idea

of its structure. A removal of the loose material would probably disclose the original ground plan.

A few hundred feet north are the ruins of four other structures of cobblestone and adobe quite near each other. They were, without doubt, pueblo houses, but they are now a mass of undistinguishable ruins, and, from present appearance, were probably ruins, when the stone pueblos were inhabited. The river here runs nearer the western border of the valley than the eastern, and quite near the pueblo last noticed, but from this point it bears toward the east side of the valley.

About a mile in a direction a little south of east and near the river are the ruins of two other large pueblos, of which the lower one is one thousand and forty feet in circuit, and the one above four hundred and fifty-two feet. Both are built of sandstone and cobblestone and adobe mortar. No part of the walls are standing above the rubbish; but they were apparently contemporary with the stone pueblos. The first stands upon the brink of the river, which is now cutting away its foundations, thus proving that it was insecurely located. The mass of fallen material is very great, showing an apparent depth of at least fifteen feet. Some of the basement rooms in each of these pueblos are probably still entire, judging from the great mass of material over them. Great pit-holes indicate the position of chambers and inclosing-walls. The largest of the two pueblos is 300 feet in depth. In one place, where some excavation has been done, the corner of a basement room is in sight. All these ruins ought to be re-examined, and so far excavated as to recover complete ground plans.

Near the mouth of the river are said to be still other ruins, and still others on the east side of the river, which we had no time to examine.

The valley of the Animas River is here broad and beautiful, about three miles wide. The river passes nearly through the center of the valley. The cliff, on the east side of the level plain, is bold and mountainous, rising from fifteen hundred to two thousand feet high, while on the west side the valley is bordered with the mesa formation in two benches, one rising back of the other, and both as level as a floor, with the highlands forming the divide between the Animas and La Plata Rivers in the distance.

From the number and size of the houses, there was probably a population of at least five thousand persons at this settlement, living by horticulture. It is not now known by what tribe of Indians these pueblos were inhabited or constructed.

These pueblos, newly constructed and in their best condition, must have presented a commanding appearance. From the materials used in their construction, from their palatial size and unique design, and from the cultivated gardens by which they were doubtless surrounded, they were calculated to impress the beholder very favorably with the degree of culture to which the people had attained. It is a singular fact that none of the occupied pueblos in New Mexico at the present time are equal in materials or in construction with those found in ruins. It tends to show a decadence of art among them since the period of European discovery.

Westward of the Animas, the La Plata, and the Mancos Rivers, which run southwesterly into the San Juan, is the Montezuma Valley, a broad and level plain, so named by General Heffernan, of Animas City. It is about fifty miles in length, and apparently ten miles wide at the ranch of Mr. Henry L. Mitchell, which is situated at the commencement of the McElmo Canyon.

[Illustration: Fig. 44.—Pueblos at commencement of McElmo Canyon.]

It stretches southward thirty-six miles to the San Juan. In this valley, which has no flowing stream through it at present (and there is no certainty that it ever had), and which is without water, except in springs and pools, and has but a slight rainfall during the year, Mr. Mitchell was successfully cultivating, at the time of our visit, wheat, oats, maize, and the garden vegetables. The valley is uninhabited, except by the family of Mr. Mitchell, and a solitary man living four miles westward. Their nearest neighbors are on the Mancos River, twenty-five miles distant. The bluffs bordering the eastern side of the valley rise boldly about fifteen hundred feet, with table lands above, while on the west the valley is bordered with mountains. About ten miles southwest of Mr. Mitchell's ranch the Ute Mountain rises out of the plain, and from this point appears as a solitary and detached mountain. The McElmo Canyon passes along its north and westerly sides, while the main valley passes southward along its eastern base. This high and noble mountain is situated in the southwest corner of Colorado, near the intersection of the boundary lines of Colorado, Utah, Arizona, and New Mexico. It is a conspicuous object from the La Plata Valley. The Montezuma Valley possesses features of remarkable natural beauty.

Near Mr. Mitchell's ranch, and within a space of less than a mile square are the ruins of nine pueblo houses of moderate size. They are built of sandstone intermixed with cobblestone and adobe mortar. They are now in a very ruinous condition, without standing walls in any part of them above

the rubbish. The largest of the number is marked No. 1 in the plan Fig. 44, of which the outline of the original structure is still discernible. It is ninety-four feet in length and forty-seven feet in depth, and shows the remains of a stone wall in front inclosing a small court about fifteen feet wide. The mass of material over some parts of this structure is ten or twelve feet deep. There are, no doubt, rooms with a portion of the walls still standing covered with rubbish, the removal of which would reveal a considerable portion of the original ground-plan.

A short distance below the pueblos last named is another cluster of the same number of pueblos, and much in the same condition; and upon rising ground near the foot of the bluff, on the east side of the valley, there are, as Mr. Mitchell informed me, the ruins of several pueblos of stone. He also informed me that similar ruins were to be found here and there in the valley to the San Juan. Four miles westerly, near the ranch of Mr. Shirt, are the ruins of another large stone pueblo, together with an Indian cemetery, where each grave is marked by a border of flat stones set level with the ground in the form of a parallelogram eight feet by four feet. Near the cluster of nine pueblos shown in the figure are found strewn on the ground numerous fragments of pottery of high grade in the ornamentation, and small arrow-heads of flint, quartz, and chalcedony delicately formed, and small knife-blades with convex and serrated edges in considerable numbers.

[Illustration: Fig. 45.—Outline plan of a stone pueblo near the base of Ute Mountain.]

This is an immense ruin with small portions of the walls still standing, particularly of the round tower of stone of three concentric walls, incorporated in the structure, and a few chambers in the north end of the main building. The round tower is still standing nearly to the height of the first story. In its present condition it was impossible to make a ground-plan showing the several chambers, or to determine with certainty which side was the front of the structure, assuming that it was constructed in the terraced form. It is situated upon a vertical bluff of yellowish sandstone rock about twenty feet high and about four miles below Mr. Mitchell's ranch in the direction of the Ute Mountain and near its northeastern base. The bluff is broken through to the bottom in one place about twenty feet wide. Here there are some evidences that a spring of water was inclosed in a reservoir by means of masonry. The building is in two sections, separated by this break, of which the main one is five hundred and ten feet long, and

the smallest one hundred and twenty feet, forming a nearly continuous front. They stand back ten or fifteen feet from the verge of the bluff, and are built of tabular pieces of sandstone and adobe mortar. Numerous pit-holes in each structure indicate the chambers and the line of the inclosing walls. The removal of the loose material would doubtless disclose the ground-plan, but it would involve immense labor. With the Ute Mountain rising majestically in the background, and the broad valley in front, the situation of the pueblo is remarkably fine.

The Round Tower is the most singular feature in this structure. While it resembles the ordinary estufa, common to all these structures, it differs from them in having three concentric walls. No doorways are visible in the portion still standing, consequently it must have been entered through the roof, in which respect it agrees with the ordinary estufa. The inner chamber is about twenty feet in diameter, and the spaces between the encircling walls are about two feet each; the walls are about two feet in thickness, and were laid up mainly with stones about four inches square, and, for the most part, in courses. There is a similar round tower, having but two concentric walls, at the head of the McElmo Canyon, and near the ranch of Mr. Mitchell. It is shown in Fig. 44, and stands entirely isolated. The diameter of the tower is thirty-four feet, of which the inner chamber is twenty-three feet; the space between the two walls is about six feet, and the thickness of the walls about two feet six inches. It is laid up in the same manner as the one last named, with stones about the same size, and the walls still standing are about five feet in height. Partition walls divide the outer space, one of which measured twenty inches in thickness.

Several hundred feet from the pueblo last named, further down the valley, is another pueblo of large extent, and in a very ruined condition.

A mile or more below the ranch of Mr. Mitchell, in the bordering walls of the McElmo Canyon, are two cliff houses. The walls of the bluff are here about twenty feet high, with large cavities formed in them here and there. These houses, each of which consists of but two or three small chambers, are built of stone, and stand but a few feet above the bottom of the canyon. They are narrow, and not very high, as the cavity in the rock is not very deep. Corrals for some kind of domestic animals are found by the side of these houses in the same hollows in the rock. This is proved by a mass of excrement, about a foot in depth, still there, whether of the goat or sheep cannot be stated, but this fact shows that they were inhabited subsequent to

the period of European discovery, although they may have been built and used before. The canyon, at this point, is from three hundred to five hundred feet wide.

I wish to call attention again to the San Juan district, to its numerous ruins, and to its importance as an early seat of Village Indian life. These ruins and those of a similar character in the valley of the Chaco, together with numerous remains of structures of sandstone, of cobblestone, and adobe in the San Juan Valley, in the Pine River Valley, in the La Plata Valley, in the Animas River Valley, in the Montezuma Valley, on the Hovenweep, and on the Rio Dolores, suggest the probability that the remarkable area within the drainage of the San Juan River and its tributaries has held a prominent place in the first and most ancient development of Village Indian life in America. The evidence of Indian occupation and cultivation throughout the greater part of this area is sufficient to suggest the hypothesis that the Indian here first attained to the condition of the Middle Status of barbarism, and sent forth the migrating bands who carried this advanced culture to the Mississippi Valley, to Mexico, and Central America, and not unlikely to South America as well.

Indian migrations are gradual outflows from an overstocked area, followed by organization into independent tribes, and continuing through centuries of time, until the ethnic life of each tribe is expended, or a successful establishment is finally gained in a new and perhaps far distant land. They planted gardens and constructed houses as they advanced from district to district, and removed as circumstances prompted a change of location.

Since the cultivation of maize and plants precedes or is synchronous with this stage of development, it leads to the supposition that maize must have been indigenous in this region, and that it was here first brought under cultivation. There are some facts that seem to favor this hypothesis.

[Transcriber's Note: Lengthy footnote relocated to chapter end.]

At present I wish to call attention to such existing evidence as points to the San Juan district as the anterior home of a number of historic Indian tribes.

1. The Mound-Builders. Although these tribes had disappeared at the epoch of European discovery, and cannot be classed with any known Indian stock, their condition as horticultural tribes, their knowledge of some of the native metals, and the high character of their stone implements and pottery

place them in the clans of Village Indians. The nearest region from which they could have been derived is New Mexico. There is no reason for referring them to the San Juan region more than to the nearer country of the Rio Grande, unless it should appear probable that the inhabitants of the latter valley were themselves migrants from the same region. But there are good reasons for deriving the Mound-Builders from the Village Indians in some part of New Mexico.

2. The Mexican Tribes. The seven principal tribes of Mexico, called collectively the Nahuatlacs, spoke dialects of the same language, and all alike had a tradition that their ancestors came from the north, and that the separate tribes came into Mexico at long intervals apart. They arrived in the following order as to time: 1, Sochomilcos; 2, Chalcas; 3, Tepanecans; 4, Tescucans; 5, Tlatluicans; 6, Tlascalans; 7, Aztecs or Mexicans. They settled in different parts of Mexico. The Cholulans, Tepeacas, and Huexatsincos spoke dialects of the Nahuatlac language, and were severally subdivisions of one or the other preceding tribes. They had the same tradition of a northern origin. These several tribes were among the most prominent in Mexico at the period of Spanish discovery. Some of the tribes of Yucatan and Central America also had similar traditions of an original migration of their ancestors from the north.

Acosta, who visited Mexico in 1585, and whose work was published at Seville in 1589, states the order of the migration of the Mexican tribes as above given, and further says that they "come from other far countries which lie toward the north, where now they have discovered a kingdom they call New Mexico. There are two provinces in this country, the one called Aztlan, which is to say, a place of Herons [Cranes], and the other Teculhuacan, which signifies a land of such whose grandfathers were divine. The Navatalcas [Nahuatlacs] point their beginning and first territory in the figure of a cave, and say they came forth of seven caves to come and people the land of Mexico." [Footnote: The Natural and Moral History of the East and West Indies, London ed., 1604, Grimstone's Trans., pp. 497, 504.] The same tradition substantially, is given by Herrera, [Footnote: General History of America, London ed., 1725, Stevens's Trans. III, 188.] and also by Clavigero.

[Footnote: History of Mexico, Cullen's Trans., 1, 119.]

If by the word Aztlan was intended "place of Cranes", and on the supposition that these tribes migrated from the San Juan region, the reasons

for the designation are justified. The Sandhill Crane (Grus Canadensis) is one of the largest and most conspicuous of American birds, and is still found from the British Possessions to New Mexico, and winters in the latter. I saw a pair of these great birds in 1878, in the valley of the Animas River. Dr. Cones remarks that "thousands of Sandhill Cranes repair each year to the Colorado River Valley, flock succeeding flock along the course of the great stream from their arrival in September until their departure the following spring. Taller than the Wood Ibises or the largest Herons with which they are associated, the stately birds stand in the foreground of the scenery of the valley…. Such ponderous bodies moving with slowly-beating wings give a great idea of momentum from mere weight, a force of motion without swiftness; for they plod along heavily, seeming to need every inch of their ample wings to sustain themselves." [Footnote: Birds of the Northwest, 1874, p. 534.]

It is an Indian trait to mark localities by some conspicuous feature or fact, and the selection of the Sandhill Crane to indicate their home country would have accorded with Indian usages.

Again, Herrera, who presents the current traditions, observes, that "these peoples painted their original in the manner of a cave, and said they came out of seven caves to people the country of Mexico…. After the six above mentioned races departed from their country, and settled in New Spain, where they were much increased, the seventh race being the Mexican nation, a warlike and polite people, who adoring their god Vitsilpuztli, he commanded them to leave their own country, promising them they should rule over other races in a plentiful country, and much wealth." [Footnote: History of America, iii, p. 188, 190.]

It is worthy of remark that the cave dwellings or cliff houses are in the San Juan district, the most of them being on the Mancos River, and on the western portion of the San Juan. These traditions may in fact refer to these cave dwellings as the original homes of their ancestors, and at the same time without precluding the supposition that they also constructed and inhabited some of the pueblo structures now in ruins in other parts of the same area. All the early accounts concur in representing the Aztecs or Mexicans, when they first arrived in Mexico, as subsisting by the cultivation of maize and plants, as constructing houses of stone, and with a religious system which recognized personal gods. These statements are probably true. They had attained to the statue of Village Indians. This again

renders New Mexico their probable original home as the only area in the north where ruins of structures of tribes so far advanced have been found.

The San Juan district is remarkably situated in its geographical relations. This river, rising in the crests of the high mountains forming the water-shed or divide between the Atlantic and Pacific, flows southward until it enters the table-land formation, through which it flows in a southwesterly and then northwesterly direction, making a long, sweeping curve in New Mexico and Arizona, after which it runs westerly to its confluence with the Colorado. It receives from the north the following tributaries, rising like itself in the high mountains, the Piedra, Pine River (Los Pinos), the Animas, the La Plata, the Mancos, the McElmo, now dry, and the Hovenweep and Montezuma creeks, now nearly dry. Its southern tributaries are the Navajo, Chaco, and De Chelly.

With such evidences of ancient occupation, here and elsewhere in the San Juan country, we are led to the conclusion that the Village Indians increased and multiplied in this area, and that at some early period there was here a remarkable display of this form of Indian life, and of house architecture in the nature of fortresses, which must have made itself felt in distant parts of the continent. On the hypothesis that the valley of the Columbia was the seed-land of the Ganowanian family, where they depended chiefly upon a fish subsistence, we have in the San Juan country a second center and initial point of migrations founded upon farinaceous subsistence. That the struggle of the Village Indians to resist the ever continuous streams of migration flowing southward along the mountain chains has been a hard one through many centuries of time, is proved by the many ruins of abandoned or conquered pueblos which still mark their settlements in so many places. At the present moment there is not a Village Indian in the San Juan district. It is entirely deserted of this class of inhabitants.

That the original ancestors of the principal historic tribes of Mexico once inhabited the San Juan country is extremely probable. That the ancestors of the principal tribes of Yucatan and Central America owe their remote origin to the same region is equally probable. And that the Mound Builders came originally from the same country, is, with our present knowledge, at least a reasonable conclusion.

Indian migrations have occurred under the influence, almost exclusively, of physical causes, operating in a uniform manner. These migrations, involving the entire period of the existence here of the inhabitants of both

American continents, will be found to have a common and connected history. A study of all the facts may yet lead to an elucidation and explanation of these migrations with some degree of certainty. The hypothesis that the valley of the Columbia River was the seed-land of the Ganowanian family holds the best chance of solving the great problem of the origin and distribution of the Indian tribes.

[Relocated Footnote: Where maize was indigenous is unknown, except that it was somewhere upon the American continent. It is the only cereal America has given to the world. At the period of European discovery, it was found cultivated and a staple article of food in a large part of North America and in parts of South America. There were also found beans, squashes, and tobacco, with the addition in some areas of peppers, tomatoes, cocoa and cotton. The problem of the place of the origin of maize is probably insoluble, but speculations are legitimate and such are all I have to offer.

The fecundity of plant-life in the Rocky Mountains is remarkable, particularly on the southern slopes, where they subside into the mesa, or table-land formation, north of the San Juan River. The continental divide is in the eastern margin of the region. The first suggestion I wish to make is that all cereals and cultivated plants must have originated in the great continental mountains of the two hemispheres, and have propagated themselves along the water courses of the mountain valleys down to the plains traversed by the great rivers formed by these mountain tributaries. All the cereals belong to the family of the Grasses (Gramineae), and each of them, doubtless, is the last of a series of antecedent forms.

I saw rye, barley and oats growing wild by self-propagation in the mountain valleys of Colorado the present season; and also the wild pea, whose stunted seeds had the taste of the cultivated pea. Turnips, onions, tomatoes, and hops are found growing wild in the Pine River Valley, and the pie-plant or rhubarb is said to grow luxuriantly in the Elk Mountain valleys. I also saw wild flax and the gourd growing by self-propagation in the valley of the Animas. Currants, gooseberries, raspberries, and strawberries are found in the mountain valleys in numerous places, together with flowering plants of many species and varieties. Tiny forms of flowering plants are to be seen above patches of snow in places where the snow had recently melted. This fecundity of plant-life from ten to twelve thousand feet above sea level, and the relation of these mountain tributaries to the San Juan, which runs from east to west, not remotely from the base of these

mountains, in such a manner as to invite and receive into its lap, so to express it, the vegetable wealth developed in these mountain chains, are facts that force themselves upon the attention of the observer.

The altitude of the San Juan Valley ranges from seven thousand feet at Pagosa Springs to five thousand nine hundred and seventy feet at the mouth of the Animas, and diminishing to four thousand four hundred and forty-six feet near the point where it empties into the Colorado (Hayden's Atlas of Colorado, Sheet 111). The altitude at Conejos is seven thousand eight hundred and eighty feet (ib.,) which is about as great an elevation as admits of the successful cultivation of maize. I noticed in a field of maize growing at Conejos that the stalk grew only about three feet high, and that the ear grew out of it but six inches from the ground. Specimens of the ear we obtained showed that it was about five inches long, with the kernel small and flinty. The ear is in four colors, white, red, yellow, and black, each being one or the other of these colors. In a few cases two colors were intermixed in the same ear. It seemed probable that this the primitive maize of the American aborigines, from which all other varieties have been developed. A few cobs which we found at a cliff house on the Mancos River corresponded with the Conejos ear in size, and were probably the same variety. Afterwards at Taos I found the same ear in white, red, yellow, and black; the staple maize now cultivated at this pueblo, but much larger. I brought away several fine ears saved for seed. One black ear measured twelve inches in length, with twelve rows of kernels, while the white variety, both at Conejos and Taos, had each fourteen rows.

Finally, a dry country, neither excessively hot nor moist, like the San Juan region, would seem to be most favorable for the development and self-propagation of maize as well as plants until man appeared for their domestication. These are but speculations, but if they should prompt further investigations concerning the place of nativity of this wonderful cereal, which has been such an important factor in the advancement of the Indian family, and which is also destined to prove such a support to our own, these suggestions will have not been made in vain.]

CHAPTER IX.

HOUSES OF THE MOUND-BUILDERS.

The general view of the house-life and houses of the Indian tribes thus far presented will tend to strengthen the hypothesis about to be stated concerning the earth-works of the Mound-Builders. Apart from the explanation that the long-houses of the Northern Tribes and the joint-tenement house of the Sedentary Indians are capable of affording, they are wholly inexplicable. The Mound-Builders worked native copper, cultivated maize and plants, manufactured pottery and stone implements of higher grade than the tribes of the Lower Status of barbarism; and they raised earth-works of great magnitude, superior to any works of the former tribes. They fairly belong to the class of Sedentary Village Indians, though not in all respects of an equal grade of culture and development. Their embankments, which inclosed a rectangular space, were in all probability, the foundations upon which they erected their houses. It is proposed to consider these embankments under this hypothesis.

Under the name of Mound-Builders certain unknown tribes of the American aborigines are recognized, who formerly inhabited as their chief area the valley of the Ohio and its tributary streams. Traces of their occupation have been found in other places, from the Gulf of Mexico to Lakes Erie and Superior, and from the Alleghanies to the Mississippi, and in some localities west of this river.

Without entering upon a discussion of these works, this chapter will be confined to four principal questions:

I. The house-life of the American aborigines, in the usages of which the Mound-Builders were necessarily involved.

II. The probable center from which the Mound-Builders emigrated into these areas.

III. The uses for which their principal earth-works were designed, with a conjectural restoration of one of their pueblos; and,

IV. The probable numbers of the people.

The Mound-Builders have disappeared, or, at least, have fallen out of human knowledge, leaving these works and their fabrics as the only evidence of their existence. Consequently the proposed questions, excepting

the first, are incapable of specific answers; but they are not beyond the reach of approximate solutions. The mystery in which these tribes are enshrouded, and the unique character of their earth-works, will lead to deceptive inferences, unless facts and principles are carefully considered and rigorously applied, and such deductions only are made as they will fairly warrant. It is easy to magnify the significance of these remains and to form extravagant conclusions concerning them; but neither will advance the truth. They represent a status of human advancement forming a connecting link in the progressive development of man. If, then, the nature of their arts, and more especially the character of their institutions, can be determined with reasonable certainty, the true position of the Mound-Builders can be assigned to them in the scale of human progress, and what was possible and what impossible on their part can be known.

THE HOUSE-LIFE OF THE AMERICAN ABORIGINES, IN THE USAGES OF WHICH THE MOUND-BUILDERS WERE NECESSARILY INVOLVED.

It will be assumed that the tribes who constructed the earth-works of the Ohio Valley were American Indians. No other supposition is tenable. The implements and utensils found in the mounds indicate very plainly that they had attained to the Middle Status of barbarism. They do not fully answer the tests of this condition, since they neither cultivated by irrigation, so far as is known, nor constructed houses of adobe bricks or of stone; but, in addition to the earth-works to be considered, they mined native copper and wrought it into implements and utensils—acts performed by none of the tribes in the Lower Status of barbarism; and they depended chiefly upon horticulture for subsistence. They had also carried the art of pottery to the ornamental stage, and manufactured textile fabrics of cotton or flax, remains of which have been found wrapped around copper chisels. These facts, with others that will appear, justify their recognition as in the same status with the Village Indians of New and Old Mexico and Central America. They occupied areas free from lakes as a rule, and, therefore, the poorest for a fish subsistence. This shows of itself that their chief reliance was upon horticulture. The principal places where their villages were situated were unoccupied areas at the epoch of European discovery, because unadapted to tribes in the Loner Status of barbarism, who depended upon fish and game as well as upon maize and plants.

A knowledge of the general character of the houses of the American aborigines will enable us to infer what must have been the general character of those of the Mound-Builders. This, again, was influenced by the condition of the family. Among the Indian tribes, in whatever stage of advancement, the family was found in the pairing form, with separation at the option of either party. It was founded upon marriage between single pairs, but it fell below the monogamian family of civilized society. In their condition it was too weak an organization to face alone the struggle of life, and it sought shelter in large households, formed on the basis of kin, with communism in living as an incident of their plan of life. While exceptional cases of single families living by themselves existed among all the tribes, it did not break the general rule of large households, and the practice in them of communism in living. These usages entered into and determined the character of their house architecture. In all parts of North and South America, at the period of European discovery, were found communal of joint-tenement houses, from those large enough to accommodate five, ten, and twenty families, to those large enough for fifty, a hundred, and in some cases two hundred or more, families. These houses differed among themselves in their plan and structure as well as size; but a common principle ran through them which was revealed by their adaptation to communistic uses. They reflect their condition and their plan of life with such singular distinctness as to afford practical hints concerning the houses of the Mound-Builders.

THE PROBABLE CENTER FROM WHICH THE MOUND-BUILDERS EMIGRATED INTO THESE AREAS.

It is well known that the highest type of Village Indian life was found in Yucatan, Chiapas, and Guatemala, and that the standard declines with the advance of the type northward into Mexico and New Mexico, thus tending to show that it was best adapted to a warm climate; but it does not follow that we must look to these distant regions for the original home of the Mound-Builders. The nearest point from which they could have been derived was New Mexico, and that is rendered the probable point from physical considerations, and still more from their greater nearness in condition to the Village Indians of New Mexico, below whom they must be ranked. The migrations of the American Indian tribes were gradual movements under the operation of physical causes, occupying long periods of time and with slow progress. There is no reason for supposing, in any

number of cases, that they were deliberate migrations with a definite destination. With maize, beans, and squashes (the staples of an established horticulture), the Village Indians were independent of fish and game as primary means of subsistence, and with the former they possessed superior resources for migrating over the wide expanses of open prairies between New Mexico and the Mississippi. The movement of the tribes who constructed the earth-works in question can be explained as a natural spread of Village Indians from the valley of the Rio Grande, on the San Juan, to the shores of the Gulf of Mexico, and thence northward to the valley of the Ohio, which was both easy and feasible. Its successful extension for any considerable distance north of the gulf was rendered improbable, by reason of the increasing severity of the climate. There are some reasons for supposing that climate delayed the movement for centuries, and finally defeated the attempt to transplant permanently even the New Mexican type of village life into a northern temperature so much lower during the greater part of the year.

A number of archeologists, who have considered the question of the probable anterior home of the Mound-Builders, are inclined to derive them from Central America. The ground for this opinion seems to be the fact that horticulture must have originated in a semi-tropical region, where this type of village life was first developed, and, therefore, that all the forms of this life were derived from thence. It would be a mistake, as it seems to the writer, to adopt the track of horticulture as that of Indian migration. In its first spread horticulture would be more apt to return upon the line of the latter than wait to be carried, by actual migrations, with the people. Moreover it is unnecessary to invoke such an argument, for the reason that New Mexico had been for ages the seat of horticultural and Village Indians, and was necessarily occupied by them long before the country east of the Mississippi. Every presumption is in favor of their derivation from New Mexico as their immediate anterior home, where they were accustomed to snow and to a moderate degree of cold.

[Footnote: At a recent meeting of the National Academy of Science at Washington, where this subject was presented, Prof. O. C. Marsh remarked, in confirmation of this suggestion, that "in a series of comparisons of Indian skulls, he had been struck with the similarity between those of the Pueblo Indians of New Mexico and of the Mound-Builders. As the shape of the

Mound-Builder's skull is very peculiar, the coincidence is a very striking one."]

THE USES FOR WHICH THEIR PRINCIPAL EARTHWORKS WERE DESIGNED, WITH A CONJECTURAL RESTORATION OF ONE OF THEIR PUEBLOS.

A brief reference to the character and extent of these works is necessary as a means of understanding their uses. The authors of the volume "The Ancient Monuments of the Mississippi Valley" remark, in their preface, that "the ancient inclosures and groups of works personally examined and surveyed are upwards of one hundred…. About two hundred mounds of all forms and sizes, and occupying every variety of position, have also been excavated." [Footnote: Smithsonian Cont. to Knowledge, Preface, XXXIV.] Out of ninety-five earthworks, exclusive of mounds, figured and described in this valuable memoir, and which probably mark the sites of Indian villages, forty-seven are of the same type and may unhesitatingly be assigned to the Mound-Builders; fourteen are groups of emblematical earthworks, mostly in Wisconsin, and may also be assigned to them; but the remaining thirty-four are very inferior as well as different in character. They are not above the works of the Indians in the Lower Status of barbarism, and, therefore, do not probably belong to the Village Indians who constructed the works in the Scioto Valley. If to those first named are added the emblematical earth-works figured and described by Lapham, [Footnote: Smithsonian Cont. to Knowledge, Vol. V.] and a few other works not known to Squier and Davis, and since described by other persons, there are something more than one hundred works, large and small, indicating the sites of Indian villages, of which perhaps three quarters were occupied at the same time. The conical mounds raised over Indian graves, which are numerous, are not included. [Footnote: When a calamity befalls an Indian settlement it is usually abandoned.]

"A large, perhaps the larger portion of these works," observe the same authors, "are regular in outline, the square and circle predominating…. The regular works are almost invariably erected on level river terraces…. The square and the circle often occur in combination, frequently connecting with each other…. Most of the circular works are small, varying from two hundred and fifty to three hundred feet in diameter, while others are a mile or more in circuit." [Footnote: Smithsonian Cont. to Knowledge, I, pp. 6 and 8.]

These embankments are, for the most part, slight, varying from two feet to six, eight, ten, and twelve feet in height, with a broad base, caused by the washing down of the banks in the course of centuries. These facts are shown by numerous cross-sections furnished with the ground-plans by the authors. But the circular embankments are usually about half as high as the rectangular.

Some idea of the size of Indian villages, and of their nearness to each other, is necessary to form an impression of their plan of life and mode of settlement. The illustrations should be drawn from the Village Indians, to which class the Mound-Builders undoubtedly belonged. Not knowing the use of wells, they established their settlements on the margins of rivers and small streams, which afforded alluvial land for cultivation, and often within a few miles of each other. In the valley of the Rio Chaco, in New Mexico, there were several pueblos within an extent of twelve miles, each consisting of a single joint-tenement house, constructed usually upon three sides of a court; and westward of the Chaco Valley were, and still are, the seven Moki pueblos, within an extent of twenty-five miles. At the present time, in the valley of the Rio Grande, a single pueblo house, accommodating five hundred persons makes an Indian village. Two or three such houses as at Taos and Santo Domingo form a large pueblo and a group of several such houses as at Zunyi a pueblo of the largest size which once contained perhaps five thousand persons, now reduced to fifteen hundred. There are no reasons for supposing that any pueblo in Yucatan or Central America contained as high a number as ten thousand inhabitants at the period of the Spanish conquest, although these countries were extremely favorable for an increase of Indian population. Their villages were numerous and small. Castanyada, who accompanied the expedition of Coronado to New Mexico in 1540-1542, estimated the population of the seventy villages visited by detachments and situated between the Colorado River Zunyi and the Arkansas at twenty thousand men which would give a total population in this wide area of a hundred thousand Indians.

There were seven villages each of Cibola, Tusayan, Quivira, and Hemes, and twelve of Tiguex; it would give an average of about fourteen hundred and fifty persons to each village. In all probability these are fair samples as to the number of inhabitants of the villages of the Mound Builders with exceptional cases as the village on the site of Marietta in Ohio where there may have been five thousand if an impression may be formed from the

extent of the earth works occupied in the manner hereafter suggested. Where several villages were found near each other on the same stream as in New Mexico, the people usually spoke the same dialect, which tends to show that those in each group were colonists from one original village. The earth works of the Mound Builders must be regarded as the sites of their villages. The question then recurs for what purpose did they raise these embankments at an expenditure of so much labor? The must have lived somewhere in upon or around them. No answer has been given to this question and no serious attempt has been made to explain their uses. They have been called defensive enclosures but it is not supposable that they lived in houses within the embankments for this would turn the places into slaughter pens in case of in attack. Some of them have been called sacred enclosures but this goes for nothing apart from some knowledge of their uses. They were constructed for a practical intelligent purpose and that purpose must be sought in the needs and mode of life of the Mound-Builders as Village Indians; and it should be expressed in the works themselves. If a sensible use for these embankments can be found, its acceptance will relieve us from the delusive inferences which are certain to be drawn from them so long as they are allowed to remain in the category of the mysteries.

It is proposed to submit a conjectural explanation of the objects and uses of the principal embankments, and to advocate its acceptance on the ground of inherent probability. It will be founded on the assumption that the Mound-Builders were horticultural Village Indians who had immigrated from beyond the Mississippi; that as such they had been accustomed, to live in houses of adobe bricks, like those found in New Mexico; that they had become habituated to living upon their roof terraces as elevated platforms, and in large households; and that their houses were in the nature of fortresses, in consequence of the insecurity in which they lived. Further than this, that before they emigrated to the valley of the Ohio they were accustomed to snow, and to a moderate degree of winter cold; wore skin garments, and possibly woven mantles of cotton, as the Cibolans of New Mexico did at the time of Coronado's expedition.

[Transcriber's Note: Lengthy footnote relocated to chapter end.]

The food of the New Mexicans, at this time, consisted of maize, beans, and squashes, and a limited amount of game, which was doubtless the food of the Mound-Builders. Captain Juan Jaramillo, who accompanied the same

expedition, remarks in his relation that the Cibolans "had hardly provisions enough for themselves; what they had consisted of maize, beans, and squashes (maiz, des haricots, et des courges)…. The Indians clothe themselves with deer skins, very well prepared. They have also buffalo-skins tanned, in which they wrap themselves." [Footnote: Coll. Ternaux-Compans, ix, 369.]

Although several centuries earlier in time, the Mound-Builders, with habits of life similar to those of the Cibolans, in 1540, would understand, besides horticulture, the use of adobe bricks, and the art of constructing long joint-tenement houses, closed up in the first story for defensive reasons, and built in the terraced form two, three, and four stories high, the ascent to the roof of the first story being made by ladders.

If, then, a tribe of Village Indians, with such habits and experience, emigrated centuries ago in search of new homes, and in course of time they, or their descendants, reached the Scioto Valley, in Ohio, they would find it impossible to construct houses of adobe bricks able to resist the rains and frosts of that climate, even if they found adobe soil. Some modification of their house architecture would be forced upon them through climatic reasons. They might have used stone, if possessed of sufficient skill to quarry it and construct walls of stone; but they did not produce such houses. Or they might have fallen back upon a house of inferior grade, located upon the level ground, such as the timber-framed houses of the Minnitarees and Mandans, in which case there would have been no necessity for the embankments in question. Or, they might have raised these embankments of earth, inclosing rectangles or squares, and constructed long houses upon them, which, it is submitted, is precisely what they did. Such houses would agree in general character and in plan, and in the uses to which they were adapted, with those of the aborigines found in all parts of America.

The elevated platform of earth as a house-site is an element in Indian architecture which reappears in a conspicuous manner in the solid pyramidal platforms upon which the great stone structures in Yucatan and Central America were erected, and which sprang from the defensive and the communal principles in living. This latter principle required large houses for the accommodation of a number of families in the Lower Status of barbarism, and large enough in some cases, when the people were in the Middle Status, to accommodate an entire tribe. When adobe bricks were used the house was usually a single structure, three or four rooms deep and

three or four stories high, constructed in a block, and in the nature of a fortress. The ground story was little used, except for storage, and they lived, practically, upon the roof terraces. When the use of stone came in, the structure often consisted of a main building four or five hundred feet long, and two wings two and three hundred feet in length, inclosing three sides of an open court, the fourth side being protected by a low stone wall. Such were the pueblos now in ruins upon the Rio Chaco in New Mexico.

In the highest form of this architecture in Yucatan and Chiapas, the pyramidal elevation appears faced with dry stone walls. The buildings upon its summit were often in the form of a quadrangle, with an open court in the center; but the buildings were generally disconnected at the four angles, as in the House of the Nuns at Uxmal. All of these forms are parts of one system of indigenous architecture; and the several parts are susceptible of articulation in a series representing a progressive development of a common thought, that of joint residence, with the practice of communism in living in large groups in the same house, or in one group consisting of the entire household.

Let us, then, inquire whether the principal embankments of the Mound-Builders were adapted, as raised platforms of earth, for the sites of long houses constructed on the communistic principle, and in the general style of the houses of the American aborigines.

In the valley of the Scioto, in Ohio, and within an extent of twelve miles, were found the remains of seven villages of the Mound-Builders, four upon the east and three upon the west side of the river. They are among the best of their works, and furnish fair examples of the whole. One of the number, the High Bank Pueblo, is shown in ground-plan in the engraving, Fig. 46. It is the only one in which the inclosure is octagonal instead of square. The remains of each of the seven consist principally of embankments like railway grades several feet high and correspondingly broad at the base, inclosing a square or slightly irregular area, the embankment on each of the four sides being about a thousand feet long, with an opening or gateway in the middle and at the four angles of the square. Attached to or quite near to five of the seven are large circular inclosures, each formed by a similar though lower embankment of earth and inclosing a space somewhat larger than the squares. The respective heights of the embankments, forming four of the rectangles, are given at four, six, ten, and twelve feet; and of three of the circular embankments, at five and six feet, respectively.

The embankments inclosing the squares were probably the site of their houses; since, as the highest, and because they are straight, they were best adapted to the purpose. The situations of these pueblos at short distances from each other on the same stream accords with the usages of the Village Indians of New and Old Mexico and Central America in locating their villages. These pueblos were probably occupied by Mound-Builders of the same tribe, and were not unlikely under a common government, consisting of a council of chiefs. It is probable, also, that they were constructed, one after the other, by colonists from an original village.

In the engraving, Fig. 46, the form and relations of the embankments are shown, with cross-sections indicating their elevation and present ground-dimensions. It was taken from the work of Squier and Davis. [Footnote: Smith Con., vol. i, p1. xvi.]

These authors remark that "the principal work consists of an octagon and circle, the former measuring nine hundred and fifty feet, the latter ten hundred and fifty feet in diameter…. The walls of the octagon are very bold, and, where they have been least subject to cultivation, are now between eleven and twelve feet in height by about fifty feet base. The wall of the circle is much less, nowhere measuring over four or five feet in altitude. In all these respects, as in the absence of a ditch and the presence of the two small circles, this work resembles the Hopeton Works." [Footnote: ib., p. 50.]

Of the latter, which is nine miles above on the Scioto, they remark that "the walls of the rectangular work are composed of a clayey loam twelve feet high by fifty feet base…. They resemble the heavy grading of a railway, and are broad enough on the top to admit of the passage of a coach." [Footnote: ib., p. 51.]

It will be noticed that the octagonal work shown in the engraving consists of seven distinct embankments. Six of these are about four hundred and fifty feet long, and the remaining one, which once consisted of two equal sections, as shown by the mound to face an original opening in the center, now forms one continuous embankment facing one side of the inclosed area. If these embankments were reformed, with the materials washed down and now spread over a base of fifty feet, with sloping sides and a level summit, they would form new embankments thirty-seven feet wide at base, ten feet high, and with a summit platform twenty-two feet wide. If a surface coating of clay were used, the sides could be made steeper and the summit

platform broader. On embankments thus reformed out of their original materials respectable as well as sufficient sites would be provided for long joint-tenement houses, comparted into chambers like stalls opening upon a central passage way through the structure from end to end, as in the long-houses of the Iroquois. Such embankments were strikingly adapted to houses of the aboriginal American model, the characteristic feature of which was sufficient length to afford a number of apartments. This feature became more marked in the houses of the Village Indians, among whom houses three hundred, four hundred, and even five hundred feet in length have been found, as elsewhere stated.

These embankments answered as a substitute for the first story of the house constructed of adobe bricks, which was usually from ten to twelve feet high, and closed up solid on the ground, externally. The gateways entering the square were protected, it may be supposed, with palisades of round timber set in the ground, each row of stakes commencing at the opposite ends of the embankments and contracting after passing each other to a narrow opening on the inside, which might be permanently closed. Indian tribes in a lower condition than the Mound-Builders were familiar with palisades. The inclosed square was thus completely protected by the long-houses standing upon these embankments and the gateways guarding the several entrances. The pueblo, externally, would present continuous ramparts of earth ten feet high, around an inclosed area, surmounted with timber-framed houses with walls sloping like the embankments, and coated with earth mixed with clay and gravel, rising ten or twelve feet above their summits; the two forming a sloping wall of earth twenty feet high. It seems extremely probable, for the reasons stated, that they raised these embankments as foundations, and planted their long-houses upon them, thus uniting the defensive principle with that of communism in living. Such houses would harmonize with the general plan of life of the American aborigines, and with the general type of their house architecture.

It is not necessary to know the exact form or internal plan of these houses in order to establish this hypothesis. It is sufficient to show that these embankments as restored were not only adapted, but admirably adapted, to joint-tenement houses of the aboriginal American type. The restoration, Fig. 47, was drawn by my friend James G. Cutler, esq., of Rochester, architect, in accordance with the foregoing suggestions. It shows not only the feasibility of occupying these embankments with long houses, but also that

each pueblo was designed by the Mound-Builders to be a fortress, able to resist assault with the appliances of Indian warfare. From the defensive character of the great houses of the Village Indian in general, this feature might have been expected to appear in the houses of the Mound-Builders.

In this restoration the houses are nearly triangular and of simple construction. Indians much ruder than they are supposed to have been, as the Minnitarees and Mandans, walled their houses with slabs of wood standing on a slope, and roofed them at a lower angle, covering both the sloping external walls and the roof with a "concrete of tough clay and gravel," a foot or more thick. Long triangular houses of the width of the summit of these embankments, with their doorways opening upon the square, and with the interior comparted in the form of stalls upon each side of a central passage way, would realize, with the inclosed court, some of the features and nearly all the advantages of the New Mexican pueblo houses. Occupying to the edge of the embankments, these of the Mound-Builders could not be successfully assailed from without either by Indian weapons or by fire; and within, their apartments would be as secure and capacious as those of the Village Indians in general at the period of their discovery. The inclosed court, which is of unusual size, is one of the remarkable features of the plan. It afforded a protected place for the villagers and a place of recreation for their children, as well as room for their drying-scaffolds, of which Mr. Cutler has introduced a number of the Minnetaree and Mandan model, and for gardens if they chose to use a part of the area for that purpose. They would also require room for a large accumulation of fuel for winter use. The only assailable points are the gateways, of which the embankments show seven. These undoubtedly were protected by rows of round timber set in the ground, and passing each other in such a manner as to leave a narrow opening, with a mound back of each, upon which archers could stand and shoot their arrows over the heads of those between them and the gateway in front. Such at least is the object which the presence of the mound in each case suggests.

In the engraving, Fig. 48, there is a ground plan of a section of one of the long-houses resting upon the restored embankment. It shows eight apartments upon opposite sides of the central passage, each nine feet wide by six feet deep, and surrounded by raised bunks used both for seats and beds. The passage is eight feet wide and runs through the house from end to end, with fire-pits in the center for each four apartments. In interior plan it

is an exact transcript of the long-house of the Iroquois, and therefore adapted to the joint habitation of a large number of related families, and to the practice of communism.

Another section shows the embankment below the line A-B, which, as stated, is ten feet high upon a base thirty-seven feet wide, and with a summit platform twenty-two feet wide, which forms the floor of the house. Above this is a cross-section of the structure. Round posts six inches in diameter are set in the ground upon the lines of the central passage, defining also the several stalls. These posts, which rise eight feet above the level of the floor and are forked at the top, support string-pieces which run the length of the house. Against these, planks of split timber are placed so as to form a sloping external wall, and these are covered with clay and gravel a foot or more thick. A simpler method would be the use of poles set close together and sunk in the ground, afterwards coated in the same manner. Cross-pieces of round timber rest upon the stringers over each pair of posts. The roof over the central passage is formed independently of poles bracing against each other at the center from opposite sides. This is also covered with concrete or mud mortar. Openings through the roof are left over the fire-pits for the exit of the smoke. The principle of construction adopted is that employed in the dirt lodges of the Minnitarees and Mandans of the Upper Missouri. As thus restored, this pueblo of the Mound-Builders is not superior in the mechanism of the houses to those of the tribes named. [Footnote: There are some reasons for supposing that the Minnitarees are descendants of the Mound Builders.]

An elevation of a portion of one of the houses, on the court side, is also furnished, showing the embankment with a ladder resting upon it used as steps, and which could be taken up at night; also one of the doors by which the house was entered.

It is not necessary, as before suggested, that the actual form and structure of the houses of the Mound-Builders should be shown to establish the hypothesis that these embankments were the veritable sites of their houses. If it is made evident that the summit platforms of these embankments, when reformed from their own materials, would afford practicable sites for houses, which when constructed would have been comfortable dwellings adapted to the climate and to Indian life in the Middle Status of barbarism, this is all that can be required. The restoration of this pueblo establishes the affirmative of this proposition, with the superadded confirmation of that

defensive character which marks all the house architecture of the Village Indians in New and Old Mexico and Central America.

With their undoubted advancement beyond the Iroquois and Minnitarees, the Mound-Builders may have constructed better houses upon these platform elevations than the plans indicate. No remains of adobes have been found in connection with these embankments, and nothing to indicate that walls of such brick had ever been raised upon them. The disintegrated mass would have shown itself in the form of the embankment after the lapse of many centuries. On the contrary, they were found in the precise form they would have assumed, under atmospheric influences, after structures of the kind described had perished, and the embankments had been abandoned for centuries.

These embankments, therefore, require triangular houses of the kind described, and long-houses, as well, covering their entire length. But the interior plan might have been different, for example, the passage way might have been along the exterior wall, and the stalls or apartments on the court side, and but half as many in number, and, instead of one continuous house in the interior, four hundred and fifty feet in length, it might have been divided into several, separated from each other by cross partitions. The plan of life, however, which we are justified in ascribing to them, from known usages of Indian tribes in a similar condition of advancement, would lead us to expect large households formed on the basis of kin, with the practice of communism in living in each household, whether large or small. There is a direct connection in principle between the platform elevations inclosing a large square on which the High Bank Pueblo was constructed, and the pyramidal platforms in Yucatan, smaller in diameter but higher in elevation, upon which were erected the most artistic houses constructed by the American aborigines. In the latter cases the central area rises to the common level of the embankments upon which the houses were constructed. The former has the security gained by a house-site above the level of the surrounding ground; and it represents about all the advance made by the Village Indians in the art of war above the tribes in a lower condition of barbarism. They placed their houses and homes in a position unassailable by the methods of Indian warfare.

There is some diversity, as would be expected, in the size of the squares inclosed by these embankments. They range from four hundred and fifty to seventeen hundred feet, the majority measuring between eight hundred and

fifty and a thousand feet. Gateways are usually found at the four angles and at the center of each side. A comparison of the dimensions of twenty of these squares, figured in the "Ancient Monuments of the Mississippi Valley," gives for the average nine hundred and thirty-seven feet. The aggregate length of the embankments shown in Fig. 46 is three thousand six hundred feet, which, at an average of ten feet for each apartment, would give three hundred and sixty upon each side of the passage way, or seven hundred and twenty in all. From this number should be deducted such as were used for storage, for doorways, and for public uses. Allowing two apartments for each family of five persons, the High Bank Pueblo would have accommodated from fifteen hundred to two thousand persons, living in the fashion of Indians, which is about the number of an average pueblo of the Village Indians. This result may be strengthened by comparing houses of existing Indian tribes. The Seneca-Iroquois village of Tiotohatton, two centuries ago, was estimated at a hundred and twenty houses. Taking the number at one hundred, with an average length of fifty feet, and it would give a lineal length of house-room of five thousand feet. It was the largest of the Seneca, and the largest of the Iroquois villages, and contained about two thousand inhabitants. A similar result is obtained by another comparison. The aggregate length of the apartments in the pueblo of Chettro Kettle, in New Mexico, now in ruins, including those in the several stories, is four thousand seven hundred feet. It contained probably about the same number of inhabitants.

The foregoing explanation of the uses of these embankments rests upon the defensive principle in the house architecture of the Village Indians, and upon a state of the family requiring joint tenement houses communistic in character. To both of these requirements this conjectural restoration of one of the pueblos of the Mound-Builders responds in a remarkable manner. In the diversified forms of the houses of the Village Indians, in all parts of America, the defensive principle is a constant feature. Among the Mound-Builders a rampart of earth ten feet high around a village would afford no protection, but surmounted with long-houses, the walls of which rose continuous with the embankments, the strength of these walls, though of timber coated with earth, would render a rampart thus surmounted and doubled in height a formidable barrier against Indian assault. The second principle, that of communism in living in joint-tenement houses, which is impressed not less clearly upon the houses of the Village Indians in general

than upon the supposed houses of the Mound-Builders, harmonized completely with the first. From the two together sprang the house architecture of the American aborigines, with its diversities of form, and they seem sufficient for its interpretation. The Mound-Builders in their new area east of the Mississippi finding it impossible to construct joint tenement houses of adobe bricks to which they had been accustomed substituted solid embankments of earth in the place of the first story closed up on the ground and erected triangular houses upon them covered with earth. When circumstances compelled a change of plan, the second is not a violent departure from the first. There is a natural connection between them. Finally, it is deemed quite sufficient to sustain the interpretation given that these embankments were eminently adapted to the uses indicated, and that the pueblo as restored, and with its inclosed court, would have afforded to its inhabitants pleasant, protected and attractive homes.

With respect to the large circular inclosures, adjacent to and communicating with the squares, it is not necessary that we should know their object. The one attached to the High Bank Pueblo contains twenty acres of land, and doubtless subserved some useful purpose in their plan of life. The first suggestion which presents itself is, that as a substitute for a fence it surrounded the garden of the village in which they cultivated their maize, beans, squashes, and tobacco. At the Minnetaree village a similar inclosure may now be seen by the side of the village surrounding their cultivated land, consisting partly of hedge and partly of stakes, the open prairie stretching out beyond. We cannot know all the necessities that attended their mode of life; although houses, gardens, food, and raiment were among those which must have existed.

There is another class of circular embankments, about two hundred and fifty feet in diameter, connected with each other in some cases by long and low parallel embankments, as may be seen in Fig 46. Undoubtedly they were for some useful purpose, which may or may not be divined correctly, but a knowledge of which is not necessary to our hypothesis respecting the principal embankments. It may be suggested as probable that the Mound-Builders were organized in gentes, phratries, and tribes. If this were the case, the phratries would need separate places for holding their councils and for performing their religious observances. These ring embankments suggest the circular estufas found in connection with the New Mexican pueblos, two, four, and sometimes five at one pueblo. The circles were

adapted to open-air councils, after the fashion of the American Indian tribes. As there are two of these connected with each other, and two not connected, it is not improbable that the Mound-Builders at this village were organized in two and perhaps four phratries, and that they performed their religious ceremonies and public business in these open estufas.

[Footnote: The solid rectangular platforms found at Marietta, Ohio, and at several places in the Gulf region, are analogous to those in Yucatan. They are an advance upon the ring inclosures, and were probably designed for religious uses. That the Mound Builders were at one time accustomed to adobe brick is proven by their presence at Seltzertown, in the State of Mississippi, forming a part of the wall of a mound. (See Foster's Pre-Historic Races of the U.S., p. 112.)]

Practice of Cremation.—Among other works are the conical mounds, which are numerous, found in or near circular embankments. They vary in height from five to ten and twenty feet; with one, the Grave Creek Mound, seventy feet high. They are classified by Squier and Davis, who surveyed and examined them, into "Mounds of Sacrifice," "Mounds of Sepulture," and "Mounds of Observation." The first kind only in which the so-called altars are found will be noticed.

At the center of each of the mounds of this class, and on the ground level there was found a bed of clay artificially formed into a shallow basin and then hardened by fire These basins have been termed "altars" by Squier and Davis in their work on the "Ancient Monuments of the Mississippi Valley." Mr. Squier remarks in a resume of this work published separately that "some are round others elliptical and others square or parallelograms…. The usual dimensions are from five to eight feet." [Footnote: Trans. Am Eth Soc]

[Illustration: FIG 49—Mound Artificial Clay Basin]

At Mound City on the Scioto River there is a group of twenty six mounds in one inclosure an engraving of one of which taken from Mr. Squier's paper is shown in Fig 49. It is seven feet high by fifty five feet base and contained the artificial clay basin in question. 'F' is the basin which is round, and measures from c to d nine feet, and from a to e five feet. The height from b to e is twenty inches, and the dip of the curve a to e is nine inches. "The body of the altar," Mr. Squier remarks, "is burned throughout, though in a greater degree within the basin where it was so hard as to resist the blow of a heavy hatchet, the instrument rebounding as if struck upon a rock.

The basin, or hollow of the altar, was filled up even full with dry ashes, intermingled with which were some fragments of pottery…. One of the vases, taken in fragments from the mound, has been very nearly restored. The sketch B presents its outlines and the character of its ornaments. Its height is six, and its greatest diameter eight inches…. Above the deposit of ashes, and covering the entire basin, was a layer of silvery or opaque mica in sheets overlapping each other, and immediately over the center of the basin was heaped a quantity of human bones, probably the amount of a single skeleton, in fragments. The position of these is indicated by O in the section. The layer of mica and calcined bones, it should be remarked to prevent misapprehension, was peculiar to this individual mound, and not found in any other of the class." [Footnote: Observations, etc, Trans Am Eth Soc ii p 161] Calcined bones, however, were found in three out of some twenty mounds of this class examined. [Footnote: Ane Monte pp. 157, 159]

The question now recurs, what was the use of the basin of clay, and what the object of the mound itself? The terms "altars" and "mounds of sacrifice," employed in describing them, imply that human sacrifices were offered on these "altars," "upon which glowed the sacrificial fires." [Footnote: Ib, p. 15]

There is no propriety, I respectfully submit, in the use of either of these terms, or in the conclusions they would force us to adopt Human sacrifices were unknown in the Lower Status of barbarism; but they were introduced in the Middle Status, when the first organized priesthood, distinguished by their apparel, appears. In parts of Mexico, and, it is claimed, in parts of Central America, these atrocious rites were performed, but they were unknown in New Mexico, and, without better evidence than these miscalled altars afford, they cannot be fastened upon the Mound-Builders. Moreover, these clay beds were not adapted to the barbarous work. Wherever human sacrifices are known to have occurred among the American aborigines, the place was an elevated mound platform, in the nature of a temple, as the Teocalli of Mexico, and the raised altar or sacrificial stone stood before the idol in whose worship the rites were performed. There is neither a temple nor an idol, but a hollow bed of clay covered by a mound raised in honor over the ashes of a deceased chief, for assuredly such a mound would not have been raised over the ashes of a victim. Indians never exchanged prisoners of war. Adoption or burning at the stake was the alternative of capture; but no mound was ever raised over the burned remains. Human

sacrifices seem to have originated in an attempt to utilize the predetermined death of prisoners of war in the service of the gods, until slavery finally offered a profitable substitute, in the Upper Status of barbarism.

Another use suggests itself for this artificial basin more in accordance with Indian usages and customs, namely, that cremation of the body of a deceased chief was performed upon it, after which the mound in question was raised over his ashes in accordance with Indian custom.

Cremation was practiced by the Village Indians only among the American aborigines. It was not general even among them, burial in the ground being the common usage; but it was more or less general in the case of chiefs. The mode of cremation varied in different areas, but the full particulars are not given in any instance. In Nicaragua the body of a deceased chief of the highest grade was wrapped in clothes and suspended by ropes before a fire until the body was baked to dryness; then, after keeping it a year, it was taken to the market-place, where they burned it, believing that the smoke went "to the place where the dead man's soul was." [Footnote: Herrera's Hist. America, ii, 133.] From this or some similar conceit the practice of cremation probably originated.

THE PROBABLE NUMBERS OF THE MOUND-BUILDERS.

There are no reasons for supposing, from the number of their villages, that the Mound-Builders were a numerous people. My friend, Prof. Charles Whittlesey, in a discussion of the rate of increase of the human race, estimates them at 500,000. [Footnote: Trans. Am. Ass. for the Adv. of Science, 1873, p. 320.]

With thanks for the moderateness of the estimate, one-third of that number would have been more satisfactory. Dense populations, an expression sometimes applied to the Mound-Builders, have never existed without either flocks and herds, or field agriculture with the use of the plow. In some favored areas, where the facilities for irrigation were unusual, a considerable population has been developed upon horticulture; but no traces of irrigating canals have been found in connection with the works of the Mound-Builders. Furthermore, it was unnecessary in their areas. Transplanted from a comparatively mild to a cold climate, they must have found the struggle for existence intensified. Like the Cibolans in 1540, it was doubtless at all times equally true of them, that "they had barely provisions enough for themselves." And yet there is no cereal equal to

maize in the rich reward it returns even for poor cultivation. It grows in the hill, can be eaten green as well as ripe, and is hardy and prolific. At the same time, while it can be made the basis of human subsistence, it is not sufficient of itself for the maintenance of vigorous, healthful life. Vegetables and game were requisite to complete the supply of food. The difficulties in the way of production set a limit to their numbers. These also explain the small number of their settlements in the large areas over which they spread. Although they found native copper on the south shore of Lake Superior, and beat it into chisels and a species of pointed spade, the number of copper tools found is small, much too small to lead to the supposition that it sensibly influenced their cultivation. A pick pointed with a stone chisel, a spade of wood, and a triangular piece of flint set in a wooden handle and used as a knife, were as perfect implements as they were able to command. Horticulture practiced thus rudely was necessarily of limited productiveness.

The idea has been advanced that "the condition of society among the Mound-Builders was not that of freemen, or, in other words, that the state possessed absolute power over the lives and fortunes of its subjects." [Footnote: Foster's Pre-historic Races, etc., p. 386.]

It is a sufficient answer to this remarkable passage that a people unable to dig a well or build a dry stone wall must have been unable to establish political society, which was necessary to the existence of a state.

From the absence of all traditionary knowledge of the Mound-Builders among the tribes found east of the Mississippi, an inference arises that the period of their occupation was ancient. Their withdrawal was probably gradual, and completed before the advent of the ancestors of the present tribes, or simultaneous with their arrival. It seems more likely that their retirement from the country was voluntary than that they were expelled by an influx of wild tribes. If their expulsion had been the result of a protracted warfare, all remembrance of so remarkable an event would scarcely have been lost among the tribes by whom they were displaced. A warm climate was necessary for the successful maintenance of the highest form of Village Indian life. In the struggle for existence in this cold climate Indian arts and ingenuity must have been taxed quite as heavily to provide clothing as food. It is therefore not improbable that the attempt to transplant the New Mexican type of village life into the valley of the Ohio proved a failure, and that after great efforts, continued through centuries of time, it was finally

abandoned by their withdrawal, first into the gulf region through which they entered, and, lastly, from the country altogether.

The Tlascalans practiced cremation, but it was generally limited to the chiefs. [Footnote: Herrera's Hist. America, ii, 302.] It was the same among the Aztecs. "Others were burnt and the ashes buried in the temples, but they were all interred with whatever things of value they possessed." [Footnote: ib., iii, 220.] The Mayas of Yucatan came nearer the Romans in the practice, for they preserved the ashes in earthen vessels. "The dead were much lamented," remarks Herrera, "in silence by day and with dismal shrieks by night…. filling their mouths with ground wheat [maize] that they might not want food in the other world…. The bodies of their lords were burnt and their ashes put into large vessels, over which temples were built. Some made wooden statues of their parents, and leaving an hollow in the necks of them, put in their ashes and kept them among their idols with great veneration." [Footnote: ib., iv, 175.] In New Mexico cremation is occasionally practiced at the present time.

That the Mound-Builders should have had this custom, in view of its prevalence among the Village Indians, would afford no cause of surprise. I think we may, not without reason, recognize in this artificial basin of clay a cremation bed, upon which the body was placed in a sitting posture, covered with fuel, and then burned—in some cases partially, and in others until every vestige of the body had been burned to ashes—after which, or even before the burning, a mound was raised over them as a mark of honor and respect. These mounds have yielded a large number of copper and stone implements, pipes, fragments of water jars, and other articles usually entombed with the remains of the dead. It seems to have been their method of cremation; and it must be admitted to be quite as respectable as any known form of this strange practice of a large portion of the human race.

[Relocated Footnote: "The snow and cold are wont to be great," Coronado remarks in his relation, "for so say the inhabitants of the country; and it is very likely so to be, both in respect of the manner of the country and of the fashion of their houses, and their furs and other things, which the people have to defend them from cold…. They have no cotton-wool growing, because the country is cold, yet they wear mantles thereof, as your honor may see by the show thereof; and true it is that there was found in their houses certain yarn made of cotton-wool…. In this country there are certain skins, well dressed, and they dress them and paint them when they kill their

oxen [buffaloes], for so they say themselves."—Hakluyt's Coll. of Voyages, Lond. ed., 1600, iii, 377.]

CHAPTER X.

HOUSES OF THE AZTECS OR ANCIENT MEXICANS.

The first accounts of the pueblo of Mexico created a powerful sensation in Europe. In the West India Islands the Spanish discoverers found small Indian tribes under the government of chiefs, but on the continent, in the Valley of Mexico, they found a confederacy of three Indian tribes under a more advanced but similar government. In the midst of the valley was a large pueblo, the largest in America, surrounded with water, approached by causeways; in fine, a water-girt fortress impregnable to Indian assault. This pueblo presented to the Spanish adventurers the extraordinary spectacle of an Indian society lying two ethnical periods back of European society, but with a government and plan of life at once intelligent, orderly, and complete. There was aroused an insatiable curiosity for additional particulars, which has continued for three centuries, and which has called into existence a larger number of works than were ever before written upon any people of the same number and of the same importance.

The Spanish adventurers who captured the pueblo of Mexico saw a king in Montezuma, lords in Aztec chiefs, and a palace in the large joint-tenement house occupied, Indian fashion, by Montezuma and his fellow-householders. It was, perhaps, an unavoidable self-deception at the time, because they knew nothing of the Aztec social system. Unfortunately it inaugurated American aboriginal history upon a misconception of Indian life which has remained substantially unquestioned until recently. The first eye-witnesses gave the keynote to this history by introducing Montezuma as a king, occupying a palace of great extent crowded with retainers, and situated in the midst of a grand and populous city, over which, and much beside, he was reputed master. But king and kingdom were in time found too common to express all the glory and splendor the imagination was beginning to conceive of Aztec society; and emperor and empire gradually superseded the more humble conception of the conquerors. [Transcriber's Note: Lengthy footnote 1 relocated to chapter end.]

A psychological fact, which deserves a moment's notice, is revealed by these works, written as they were with a desire for the truth and without intending to deceive. These writers ought to have known that every Indian

tribe in America was an organized society, with definite institutions, usages, and customs, which, when ascertained, would have perfectly explained its government, the social relations of the people, and their plan of life. Indian society could be explained as completely and understood as perfectly as the civilized society of Europe or America by finding its exact organization. This, strange to say, was never attempted, or at least never accomplished, by any one of these numerous and voluminous writers. To every author, from Cortes and Bernal Diaz to Brasseur de Bourbourg and Hubert H. Bancroft, Indian society was an unfathomable mystery, and their works have left it a mystery still. Ignorant of its structure and principles, and unable to comprehend its peculiarities, they invoked the imagination to supply whatever was necessary to fill out the picture. When the reason, from want of facts, is unable to understand and therefore unable to explain the structure of a given society, imagination walks bravely in and fearlessly rears its glittering fabric to the skies. Thus in this case, we have a grand historical romance, strung upon the conquest of Mexico as upon a thread; the acts of the Spaniards, the pueblo of Mexico, and its capture, are historical, while the descriptions of Indian society and government are imaginary and delusive. These picturesque tales have been read with wonder and admiration, as they successively appeared, for three hundred and fifty years; though shown to be romances, they will continue to be read as Robinson Crusoe is read, not because they are true, but because they are pleasing. The psychological revelation is the eager, undefinable interest aroused by any picture of ancient society. It is felt by every stranger when he first walks the streets of Pompeii, and, standing within the walls of its roofless houses, strives to picture to himself the life and the society which flourished there eighteen hundred years ago. In Mexico the Spaniards found an organized society several thousand years further back of their own than Pompeian society, in its arts, institutions, and state of advancement. It was this revelation of a phase of the ancient life of mankind which possessed and still possesses such power to kindle the imagination and inspire enthusiasm. It caught the imagination and overcame the critical judgment of Prescott, our most charming writer; it ravaged the sprightly brain of Brasseur de Bourbourg, and it carried up in a whirlwind our author at the Golden Gate.

The commendation these works have received from critical journals reveals with painful distinctness the fact that we have no science of

American ethnology. Such a science, resting as it must upon verified facts, and dealing with the institutions, arts and inventions, usages and customs, languages, religious beliefs, and plan of government of the Indian tribes, would, were it fairly established, command as well as deserve the respect of the American people. With the exception of an amateur here and there, American scholars have not been willing to devote themselves to so vast a work. It may be truly said at this moment that the structure and principles of Indian society are but partially known, and that the American Indian himself is still an enigma among us. The question is still before us as a nation whether we will undertake the work of furnishing to the world a scientific exposition of Indian society, or leave it as it now appears, crude, unmeaning, unintelligible, a chaos of contradictions and puerile absurdities. With a field of unequaled richness and of vast extent, with the same Red Race in all the stages of advancement indicated by three great ethnical periods, namely the Status of savagery, the Lower Status of barbarism, and the Middle Status of barbarism, [Footnote: See ante, page 43, note, for a definition of proposed ethnical or culture periods, and Ancient Society, chapter 1, "Ethnical Periods."] more persons ought to be found willing to work upon this material for the credit of American scholarship. It will be necessary for them to do as Herodotus did in Asia and Africa, to visit the native tribes at their villages and encampments, and study their institutions as living organisms, their condition, and their plan of life. When this has been done from the region of the Arctic Sea to Patagonia, Indian society will become intelligible, because its structure and principles will be understood. It exhibits three distinct phases, each with a culture peculiar to itself, lying back of civilization, and back of the Upper Status of barbarism, having very little in common with European society of three hundred years ago, and very little in common with American society of to-day. Its institutions, inventions, and customs find no analogues in those of civilized nations, and cannot be explained in terms adapted to such a society. Our later investigators are doing their work more and more on the plan of direct visitation, and I make no doubt a science of American ethnology will yet come into existence among us and rise high in public estimation from the important results it will rapidly achieve. Precisely what is now needed is the ascertainment and scientific treatment of this material.

After so general a condemnation of Spanish and American writers, so far as they represent Aztec society and government, some facts and some

reasons ought to be presented to justify the charge. Recognizing the obligation, I propose to question the credibility of so much of the second volume of "The Native Races" and of so much of other Spanish histories as relate to two subjects—the character of the house in which Montezuma resided, which is styled a palace; and the account of the celebrated dinner of Montezuma, which is represented as the daily banquet of an imperial potentate. Neither subject, considered in itself, is of much importance; but if the accounts in these two particulars are found to be fictitious and delusive, a breach will be made in a vital section of the fabric of Aztec romance, now the most deadly encumbrance upon American ethnology.

It may be premised that there is a strong probability, from what is known of Indian life and society, that the house in which Montezuma lived was a joint-tenement house of the aboriginal American model, owned by a large number of related families, and occupied by them in common as joint proprietors; that the dinner in question was the usual single daily meal of a communal household, prepared in a common cook-house from common stores, and divided, Indian fashion, from the kettle; and that all the Spaniards found in Mexico was a simple confederacy of three Indian tribes, the counterpart of which was found in all parts of America.

It may be premised further that the Spanish adventures who thronged to the New World after its discovery found the same race of Red Indians in the West India Islands, in Central and South America, in Florida, and in Mexico.

[Footnote: "But among all the other inhabitants of America there is such a striking similitude in the form of their bodies, and the qualities of their minds, that notwithstanding the diversities occasioned by the influence of climate, or unequal progress in improvement, we must pronounce them to be descended from one source."— Robertson's History of America, Law's ed., p. 69.]

In their mode of life and means of subsistence, in their weapons, arts, usages, and customs, in their institutions, and in their mental and physical characteristics, they were the same people in different stages of advancement. No distinction of race was observed, and none in fact existed. They were broken up into numerous independent tribes, each under the government of a council of chiefs. Among the more advanced tribes, confederacies existed, which represented the highest stage their governmental institutions had attained. In some of them, as in the Aztec

confederacy, they had a principal war-chief, elected for life or during good behavior, who was the general commander of the military bands. His powers were those of a general, and necessarily arbitrary when in the field. Behind this war-chief—noticed, it is true, by Spanish writers, but without explaining or even ascertaining its functions—was the council of chiefs, "the great council without whose authority," Acosta remarks, Montezuma "might not do anything of importance". [Footnote: The Natural and Moral History of the East and West Indies, Lond. ed., 1604, Grimstone's Trans., p. 485.]

The civil and military powers of the government were in a certain sense coordinated between the council of chiefs and the military commander. The government of the Aztec confederacy was essentially democratic, because its organization and institutions were so. If a more special designation is needed, it will be sufficient to describe it as a military democracy.

The Spaniards who overran Mexico and Peru gave a very different interpretation of these two organizations. Having found, as they supposed, two absolute monarchies with feudal characteristics, the history of American Indian institutions was cast in this mold. The chief attention of Europeans in the sixteenth century was directed to these two governments, to which the affairs of the numerous remaining tribes and confederacies were made subordinate. Subsequent history has run in the same grooves for more than three centuries, striving diligently to confirm that of which confirmation was impossible. The generalization was perhaps proper enough, that if the institutions of the Aztecs and Peruvians, such well-advanced Indian tribes, culminated in monarchy, those of the Indian tribes generally were essentially monarchical, and therefore those of Mexico and Peru should represent the institutions of the Red Race.

It may be premised, finally, that the histories of Spanish America may be trusted in whatever relates to the acts of the Spaniards, and to the acts and personal characteristics of the Indians; in whatever relates to their weapons, implements, and utensils, fabrics, food, and raiment, and things of a similar character. But in whatever relates to Indian society and government, their social relations and plan of life, they are nearly worthless, because they learned nothing and knew nothing of either. We are at full liberty to reject them in these respects, and commence anew; using any facts they may contain which harmonize with what is known of Indian society. It was a calamity to the entire Red Race that the achievements of the Village Indians

of Mexico and Central America, in the development of their institutions, should have suffered a shipwreck so nearly total. The only remedy for the evil done them is to recover, if possible, a knowledge of their institutions, which alone can place them in their proper position in the history of mankind.

In order to understand so simple an event in Indian life as Montezuma's dinner, it is necessary to know certain usages and customs, and even certain institutions of the Indian tribes generally, which had a direct bearing upon the dinner of every Indian in America at the epoch of the Spanish conquest. Although it may seem strange to the reader, it requires a knowledge of several classes of facts to comprehend this dinner, such as: 1. The organization in gentes, phratries, and tribes. 2. The ownership of lands in common. 3. The law of hospitality. 4. The practice of communism in living. 5. The communal character of their houses. 6. Their custom of having but one prepared meal each day, a dinner. 7. Their separation at meals, the men eating first, and the women and children afterwards. These several topics have been considered in previous chapters.

Not a vestige of the ancient pueblo of Mexico (Tenochtitlan) remains to assist us to a knowledge of its architecture. Its structures, which were useless to a people of European habits, were speedily destroyed to make room for a city adapted to the wants of a civilized race. We must seek for its characteristics in contemporary Indian houses which still remain in ruins, and in such of the early descriptions as have come down to us, and then leave the subject with but little accurate knowledge. Its situation, partly on dry land and partly in the waters of a shallow artificial pond formed by causeways and dikes, led to the formation of streets and squares, which were unusual in Indian pueblos, and gave to it a remarkable appearance. "There were three sorts of broad and spacious streets," Herrera remarks; "one sort all water with bridges, another all earth, and a third of earth and water, there being a space to walk along on land and the rest for canoes to pass, so that most of the streets had walks on the sides and water in the middle". [Footnote: History of America, ii, 361.]

Many of the houses were large, far beyond the supposable wants of a single Indian family. They were constructed of adobe brick and of stone, and plastered over in both cases with gypsum, which made them a brilliant white; and some were constructed of a red porous stone. In cutting and

dressing this stone flint implements were used. [Footnote: Clavigero, ii, 238.]

The fact that the houses were plastered externally leads us to infer that they had not learned to dress stone and lay them in courses. It is not certainly established that they had learned the use of a mortar of lime and sand. In the final attack and capture, it is said that Cortes, in the course of seventeen days, destroyed and leveled three-quarters of the pueblo, which demonstrates the flimsy character of the masonry. Some of the houses were constructed on three sides of a court, like those on the Rio Chaco in New Mexico, others probably surrounded an open court or quadrangle, like the House of the Nuns at Uxmal; but this is not clearly shown. The best houses were usually two stories high, an upper and lower floor being mentioned. The second story receded from the first, probably in the terraced form. Clavigero remarks that "the houses of the lords and people of circumstance were built of stone and lime. They consisted of two floors, having halls, large court-yards, and the chambers fitly disposed; the roofs were flat and terraced; the walls were so well whitened, polished, and shining that they appeared to the Spaniards when at a distance to have been silver. The pavement or floor was plaster, perfectly level, plain, and smooth…. The large houses of the capital had in general two entrances, the principal one to the street, the other to the canal. They had no wooden doors to their houses." [Footnote: History of Mexico, ii, 232.]

The house was entered through doorways from the street, or from the court, on the ground-floor. Not a house in Mexico is mentioned by any of the early writers as occupied by a single family. They were evidently joint-tenement houses of the aboriginal American model, each occupied by a number of families ranging from five and ten to one hundred, and perhaps in some cases two hundred families in a house.

Before considering the house architecture of the Aztecs, it remains to notice, briefly, the general character of the houses of the Village Indians within the areas of Spanish visitation. They were joint-tenement houses, usually, of the American model, adapted to communism in living, like those previously described, and will aid us to understand the houses of the pueblo of Mexico.

Herrera, speaking of the natives of Cuba, remarks that "they had caciques and towns of two hundred houses, with several families in each of them, as was usual in Hispaniola". [Footnote: ib., ii, 15.]

The Cubans were below the Sedentary Indians. In Yucatan, the houses of the Mayas, and of the tribes of Guatemala, Chiapas, and Honduras, remain in ruins to speak for themselves, and will form the subject of the ensuing chapter. On the march to Mexico, Cortez and his men, "being come down into the plain, took up their quarters in a country house that had many apartments." [Footnote: ib., ii, 320.]

"At Iztapalapa he was entertained in a house that had large courts, upper and lower floors and very delightful gardens. The walls were of stone, the timber work well wrought, there were many and spacious rooms, hung with cotton hangings extraordinary rich in their way." [Footnote: "History of America", 325.]

His accommodations in the pueblo of Mexico will elsewhere be noticed. After the capture of the pueblo Alvaredo was sent southward with two hundred foot and forty horse to the province of Tututlepec on the Pacific. "When he arrived the lord of Tututlepec offered to quarter the Spaniards in his palace which was very magnificent."

"In 1525 Cortez made his celebrated march to Guatemala with one hundred and fifty horse, the same number of foot, and three hundred Indians. Being well received in the city of Apoxpalan, Cortez and all the Spaniards with their horses were quartered in one house, the Mexicans being dispersed into others, and all of them plentifully supplied with provisions during their stay. The first 'palace' described by Herrera was discovered by Balboa somewhere in the present Costa Rica, and Comagre has gone into history as its proprietor. This palace was more remarkable and better built than any that had been yet seen on the islands or the little that was then known of the continent, being one hundred and fifty paces in length and eighty in breadth founded on very large posts inclosed by a stone wall with timber intermixed at the top and hollow spaces so beautifully wrought that the Spaniards were amazed at the sight of it and could not express the manner and curiosity of it. There were in it several chambers and apartments and one that was like a buttery and full of such provisions as the country afforded, as bread, venison, swine's flesh, &c. There was another large room like a cellar full of earthen vessel containing several sorts of white and red liquors made of Indian wheat etc. The noticeable fact in this description is the two chambers containing provisions and stores for the household which was undoubtedly the case with all of those named. Zempoala near Vera Cruz is described as a very large town with stately

buildings of good timber work and every house had a garden with water so that it looked like a terrestrial paradise…. The scouts advancing on horseback came to the great square and courts where the prime houses were, which having been lately new plastered over, were very light, the Indians being extraordinary expert at that work", [Footnote: History of America, ii, 211.] and further states that "the houses were built of 'lime and stone'."

These pueblos were generally small, consisting of three or four large joint-tenement houses, with other houses smaller in size, the different grades of houses representing the relative thrift and prosperity of the several groups by whom they were owned and occupied. It is doubtful whether there was a single pueblo in North America, with the exception of Tlascala, Cholula, Tezcuco, and Mexico, which contained ten thousand inhabitants. There is no occasion to apply the term "city" to any of them. None of the Spanish descriptions enable us to realize the exact form and structure of these houses, or their relations to each other in forming a pueblo. But for the pueblos, occupied or in ruins, in New Mexico, and the more remarkable pueblos in ruins in Yucatan and Central America, we would know very little concerning the house architecture of the Sedentary Village Indians. It is evident from the citations made that the largest of these joint-tenement houses would accommodate from five hundred to a thousand or more people, living in the fashion of Indians; and that the courts were probably quadrangles, formed by constructing the building on three sides of an inclosed space, as in the New Mexican pueblos, or upon the four sides, as in the House of the Nuns, at Uxmal.

The writers on the conquest have failed to describe the Aztec house in such a manner that it can be fairly comprehended. They have also failed to explain the mode of life within it. But it can safely be said that most of these houses were large, far beyond any supposable wants of a single Indian family; that they were constructed, when on dry land, of adobe brick, and when in the water, of stone imbedded in some kind of mortar, and plastered over in both cases with gypsum, which made them a brilliant white. Some also were constructed of a red porous stone. Some of these houses were built on three sides of a court, like those on the Chaco, but the court opened on a street or causeway. Others not unlikely surrounded an open court or quadrangle, which must have been entered through a gateway; but this is

not clearly shown. The large houses were probably two stories high; an upper and a lower floor are mentioned in some cases, but rarely a third.

Communism in living in large households, the communism being confined to the household, was probably the rule of life among the ancient Mexicans at the time of the Conquest.

[Transcriber's Note: Lengthy footnote 2 relocated to chapter end.]

Two of the houses in Mexico were more particularly noted by the soldiers of Cortes than others—that in which they were quartered, and that in which Montezuma lived. Neither can be said to have been described. I shall confine myself to these two structures.

Cortes made his first entry into Mexico in November, 1519, with four hundred and fifty Spaniards, according to Bernal Diaz, [Footnote: Diaz Conquest of Mex., ed. 1803, Keatinge's Trans., i, 181, 189. Herrera says, 300, ii, 327.] accompanied by a thousand Tlaxcallan allies. They were lodged in a vacant palace of Montezuma's late father, Diaz naively remarks, observing that "the whole of this palace was very light, airy, clean, and pleasant, the entry being through a great court." [Footnote: Diaz, I, 191.] Cortes, after describing his reception, informs us that Montezuma "returned along the street in the order already described, until he reached a very large and splendid palace in which we were to be quartered. He then took me by the hand and led me into a spacious saloon, in front of which was a court through which we had entered." [Footnote: Dispatches of Cortes, Folsom's Trans., p. 86.]

So much for the statements of two eye-witnesses. Herrera gathered some additional particulars. He states that "they came to a very large court, which was the wardrobe of the idols, and had been the house of Axayacatzin, Montezuma's father…. Being lodged in so large a house, that, though it seems incredible, contained so many capacious rooms, with bedchambers, that one hundred and fifty Spaniards could all lie single. It was also worth observing that though the house was so big, every part of it to the last corner was very clean, neat, matted, and hung with hangings of cotton and feather work of several colors, and had beds and mats with pavilions over them. No man of whatsoever quality having any other sort of bed, no other being used." [Footnote: History of America, ii, 330.] In the tidiness of these rooms we gain some evidence of the character of Aztec women.

Joint-tenement houses, and the mode of life they indicate, were at this time unknown in Europe. They belonged to a more ancient condition of

society. It is not surprising, therefore, that the Spaniards, astonished at their magnitude, should have styled them palaces, and having been received with a great array by Montezuma, as the general commander of the Aztec forces, should have regarded him as a king, since monarchical government was the form with which they were chiefly acquainted. Suffice it then, to say that one of the great houses of the Aztecs was large enough to accommodate Cortes and his fourteen hundred and fifty men including Indian allies as they had previously been accommodated in one Cholulan house and elsewhere, on the way to Mexico. From New Mexico to the Isthmus of Panama there was scarcely a principal village in which an equal number could not have found accommodations in a single house. When it is found to be unnecessary to call it a palace in order to account for its size, we are led to the conclusion that an ordinary Aztec house was emptied of its inhabitants to make room for their unwelcome visitors. After their reception, Aztec hospitality supplied them with provisions. Mr. Bandelier has, in the article above referred to, explained this house in a very satisfactory manner as "the tecpan, or official house of the tribe." He says: "The house where the Spaniards were quartered was the 'tecpan,' or official house of the tribe, vacated by the official household for that purpose." In sallying forth to greet the newcomers at the dike, "Wrathy chief (Montezuma) acted simply as the representative of the tribal hospitality, extending unusual courtesies to unusual, mysterious, and therefore dreaded guests. Leaving these in possession of the 'tecpan,' he retired to another of the large communal buildings surrounding the central square, where the official business was, meanwhile, transacted. His return to the Spanish quarters, even if compulsory, had less in it to strike the natives than is commonly believed. It was a re-installation in old quarters, and therefore the 'Tlatocan (Council of Chiefs) itself felt no hesitancy in meeting there again, until the real nature of the dangerous visitors was ascertained, when the council gradually withdrew from the snare, leaving the unfortunate 'chief of men' in Spanish hands." [Footnote: 12 Annual Report of Peabody Museum, p. 680.]

We are next to consider the second so-called palace, that in which Montezuma lived, and the dinner of Montezuma which these soldiers witnessed, and which has gone into history as a part of the evidence that a monarchy of the feudal type existed in Mexico. They had but little time to make their observations, for this imaginary kingdom perished almost

immediately, and the people, in the main, dispersed. The so-called palace of Montezuma is not described by Diaz, for the reason, probably, that there was nothing to distinguish it from a number of similar structures in the pueblo. Neither is it described by Cortes or the Anonymous Conqueror; Cortes merely remarking generally that "within the city his palaces were so wonderful that it is hardly possible to describe their beauty and extent; I can only say that in Spain there is nothing equal to them." [Footnote: Despatches, p. 121.]

Gothic cathedrals were then standing in Spain, the Alhambra in Grenada, and, without doubt, public and private buildings of dressed stone laid in courses. While the comparison was mendacious, we can understand the desire of the conqueror to magnify his exploits. Herrera, who came later and had additional resources, remarks that the palace in which Montezuma resided "had twenty gates, all of them to the square or market-place, and the principal streets, and three spacious courts, and in one of them a very large fountain…. There were many halls one hundred feet in length, and rooms of twenty-five and thirty, and one hundred baths. The timber-work was small, without nails, but very fine and strong, which the Spaniards much admired. The walls were of marble, jasper, porphyry, a black sort of stone with red veins like blood, white stone, and another sort that is transparent. The roofs were of wood, well wrought and carved…. The rooms were painted and matted, and many of them had rich hangings of cotton and coney wool, or of feather-work. The beds were not answerable to the grandeur of the house and furniture, being poor and wretched, consisting of blankets upon mats or on hay…. Few men lie in this palace, but there were one thousand women in it, and some say three thousand, which is reckoned most likely…. Montezuma took to himself the ladies that were the daughters of great men, being many in number." [Footnote: History of America, ii, 345.]

The external walls of the houses were covered with plaster. From the description it seems probable that in the interior of the large rooms the natural faces of the stone in the walls were seen here and there, some of the red porous stone, some of marble, and some resembling porphyry, for it is not supposable that they could cut this stone with flint implements. Large stones used on the inner faces of the walls might have been left uncovered, and thus have presented the mottled appearance mentioned. The Aztecs had no structures comparable with those of Yucatan. Their architecture resembles that of New Mexico wherever its features distinctly appear upon

evidence that can be trusted. The best rooms found in the latter region are of thin pieces of sandstone prepared by fracture and laid up with a uniform face. Herrera had no occasion to speak of the use of marble and porphyry in the walls of this house in such a vague manner and upon more vague information. The reference to the thousand or more women as forming the harem of Montezuma is a gross libel.

Mr. Hubert H. Bancroft, the last of the long line of writers who have treated the affairs of the Aztecs, has put the finishing touch to this picture in the following language: "The principal palace of the king of Mexico was an irregular pile of low buildings enormous in extent, constructed of huge blocks of tetzontli, a kind of porous stone common to that country, cemented with mortar. The arrangement of the buildings was such that they enclosed three great plazas or public squares, in one of which a beautiful fountain incessantly played. Twenty great doors opened on the squares and on the streets, and over these was sculptured in stone the coat-of-arms of the king of Mexico, an eagle griping in his talons a jaguar. In the interior were many halls, and one in particular is said by a writer who accompanied Cortes, known as the Anonymous Conqueror, to have been of sufficient extent to contain three thousand men…. In addition to these were more than one hundred smaller rooms, and the same number of marble baths…. The walls and floors of halls and apartments were many of them faced with polished slabs of marble, jasper, obsidian, and white tecali; lofty columns of the same fine stones supported marble balconies and porticos, every inch and corner of which was filled with wondrous ornamental carving, or held a grinning, grotesquely sculptured head. The beams and casings were of cedar, cypress, and other valuable woods profusely carved and put together without nails…. Superb mats of most exquisite finish were spread upon the marble floors; the tapestry that draped the walls and the curtains that hung before the windows were made of a fabric most wonderful for its delicate texture, elegant designs, and brilliant colors; through the halls and corridors a thousand golden censers, in which burned precious spices and perfumes, diffused a subtle odor." [Footnote: Native Races of the Pacific States, ii, 160.]

Upon this rhapsody it will be sufficient to remark that halls were entirely unknown in Indian architecture. Neither a hall, as that term is used by us, has ever been seen in an Indian house, nor has one been found in the ruins of any Indian structure. An external corridor has occasionally been found in

ruins of houses in Central America. The great doors open on the squares and streets; Aztec window-curtains of delicate texture, marble baths and porticos, and floors of polished slabs of marble, as figments of a troubled imagination, recall the glowing description of the great kingdom of the Sandwich Islands—with its king, its cabinet ministers, its parliament, its army and navy, which Mark Twain has fitly characterized as "an attempt to navigate a sardine dish with Great Eastern machinery"; and it suggested also the Indian chief humorously mentioned by Irving as generously "decked out in cocked hat and military coat, in contrast with his breech clout and leathern leggins, being grand officer at top and ragged Indian at bottom." [Footnote: Bonneville, p. 34.] Whatever may be said by credulous and enthusiastic authors to decorate this Indian pueblo, its houses and its breech-cloth people, cannot conceal the "ragged Indian" therein by dressing him in a European costume.

On the seventh day after the entry into Mexico, Montezuma was induced by intimidation to leave the house in which he lived and take up his quarters with Cortes, where he was held a prisoner until his death, which occurred a few weeks later. Whatever was seen of his mode of life in his usual place of residence was practically limited to the five days between the coming of the Spaniards and his capture. Our knowledge of the facts is in the main derived from what these soldiers reported upon slight and imperfect means of observation. Bernal Diaz and Cortes have left us an extraordinary description, not of his residence, but of his daily life, and more particularly of the dinner, which will now be considered. It is worth the attempt to take up the pictures of these and succeeding authors, and see whether the real truth of the matter cannot be elicited from their own statements. There was undoubtedly a basis of facts underneath them, because without such a basis the superstructure could not have been created.

It may with reason be supposed that the Spaniards found Montezuma, with his gentile kindred, in a large joint-tenement house, containing perhaps fifty or a hundred families united in a communal household. The dinner they witnessed was the single daily meal of this household, prepared in a common cook-house from common stores, and divided at the kettle. The dinner of each person was placed in an earthen bowl, with which in his hand an Indian needed neither chair nor table, and, moreover, had neither the one nor the other. The men ate first, and by themselves, Indian fashion; and the women, of whom only a few were seen, afterwards and by

themselves. On this hypothesis the dinner in question is susceptible of a satisfactory explanation.

It has been shown that each Aztec community of persons owned lands in common, from which they derived their support. Their mode of tillage and of distribution of the products, whatever it may have been, would have returned to each family or household, large or small, its rightful share. Communism in living in large households composed of related families springs naturally from such a soil. It may be considered a law of their condition, and, plainly enough, the most economical mode of life they could adopt until the idea of property had been sufficiently developed in their minds to lead to the division of lands among individuals with ownership in fee, and power of alienation. Their social system, which tended to unite kindred families in a common household, their ownership of lands in common, and their ownership, as a group, of a joint-tenement house, which would necessarily follow, would not admit a right in persons to sell, and thus to introduce strangers into the ownership of such lands or such houses. Lands and houses were owned and held under a common system which entered into their plan of life. The idea of property was forming in their minds, but it was still in that immature state which pertains to the Middle Status of barbarism. They had no money, but traded by barter of commodities; very little personal property, and scarcely anything of value to Europeans. They were still a breech-cloth people, wearing this rag of barbarism as the unmistakable evidence of their condition; and the family was in the syndyasmian or pairing form, with separation at any moment at the option of either party. It was the weakness of the family, its inability to face alone the struggle of life, which led to the construction of joint-tenement houses throughout North and South America by the Indian tribes; and it was the gentile organization which led them to fill these houses, on the principle of kin, with related families.

In a pueblo as large as that of Mexico, which was the largest found in America, and may possibly have contained thirty thousand inhabitants, there must have been a number of large communal houses of different sizes, from those that were called palaces, because of their size, to those filled by a few families. Degrees of prosperity are shown in barbarous as well as in civilized life in the quarters of the people. Herrera states that the houses of the poorer sort of people were "small, low, and mean," but that, "as small as

the houses were, they commonly contained two, four, and six families." [Footnote: History of America, ii, 360.]

Wherever a household is found in Indian life, be the married pairs composing it few or many, that household practiced communism in living. In the largest of these houses it would not follow necessarily that all its inmates lived from common stores, because they might form several household groups in the same house; but in the large household of which Montezuma was a member, it is plain that it was fed from common stores prepared in a common cook-house, and divided from the kettle, in earthen bowls, each containing the dinner of a single person. Montezuma was supposed to be absolute master of Mexico, and what they saw at this dinner was interpreted with exclusive reference to him as the central figure. The result is remarkably grotesque. It was their own self-deception, without any assistance from the Aztecs. The accounts given by Diaz and Cortes, and which subsequent writers have built upon with glowing enthusiasm and free additions, is simply the gossip of a camp of soldiers suddenly cast into an earlier form of society, which the Village Indians of America, of all mankind, then best represented. That they could understand it was not to have been expected. Accustomed to monarchy and to privileged classes, the principal Aztec war-chief seemed to them quite naturally a king, and sachems and chiefs followed in their vision as princes and lords. But that they should have remained in history as such for three centuries is an amusing commentary upon the value of historical writings in general.

The dinner of Montezuma, witnessed within the five days named by the Spanish soldiers, comes down to us with a slender proportion of reliable facts. The accounts of Bernal Diaz and of Cortes form the basis of all subsequent descriptions [Footnote: The Anonymous Conqueror does not notice it.]. Montezuma was the central figure around whom all the others are made to move. A number of men, as Diaz states, were to be seen in the house and in the courts, going to and fro; a part of whom were thought to be chiefs in attendance upon Montezuma, and the remainder were supposed to be guards. Better proof of the use of guards is needed than the suggestion of Diaz. It implies a knowledge of military discipline unknown by Indian tribes. It was noticed that Indians went barefooted into the presence of Montezuma, which was interpreted as an act of servility and deference, although bare feet must have been the rule rather than the exception in Tenochtitlan. Diaz further informs us that "his cooks had upwards of thirty

different ways of dressing meats, and they had earthen vessels so contrived as to keep them always hot. For the table of Montezuma himself above three hundred dishes were dressed, and for his guards above a thousand. Before dinner Montezuma would go out and inspect the preparations, and his officers would point out to him which were the best, and explain of what birds and flesh they were composed, and of these he would eat…. Montezuma was seated on a low throne or chair at a table proportionate to the height of his seat. The table was covered with white cloth and napkins, and four beautiful women presented him with water for his hands in vessels which they called xicales, with other vessels under them like plates to catch the water; they also presented him with towels. Then two other women brought him small cakes of bread, and when the king began to eat, a large screen of wood-gilt was placed before him, so that people should not during that time see him. The women having retired to a little distance, four ancient lords stood by the throne, to whom Montezuma from time to time spoke or addressed questions, and as a matter of particular favor gave to each of them a plate of that which he was eating…. This was served on earthenware of Cholula, red and black…. I observed a number of jars, about fifty, brought in filled with foaming chocolate, of which he took some which the women presented to him. During the time Montezuma was at dinner, two very beautiful women were busily employed making small cakes, with eggs and other things mixed therein. These were delicately white, and when made they presented them to him on plates covered with napkins. Also another kind of bread was brought to him in long loaves, and plates of cakes resembling wafers. After he had dined they presented to him three little canes, highly ornamented, containing liquid amber mixed with an herb they call tobacco; and when he had sufficiently viewed the singers, dancers, and buffoons, he took a little of the smoke of one of these canes and then laid himself down to sleep; and thus his principal meal concluded. After this was over, all his guards and domestics sat down to dinner, and as near as I can judge, above a thousand plates of these eatables that I have mentioned were laid before them, with vessels of foaming chocolate, and fruit in immense quantity. For his women and various inferior servants, his establishment was a prodigious expense, and we were astonished, amid such a profusion, at the vast regularity that prevailed." [Footnote: History of the Conquest of Mexico, i, 198-202.] Diaz wrote his history more than thirty years after the conquest (he says he was writing it in 1568), [Footnote: ib., ii, 423.] which

may serve to excuse him for implying the use of veritable chairs and a table where neither existed, and for describing the remainder as sitting down to dinner. Tezozomoc, who is followed by Herrera, says the table of Montezuma consisted of two skins. How they were fastened together and supported does not appear.

The statements in the Despatches of Cortes, as they now appear, are an improvement upon Diaz, the pitch being on a higher key. He remarks that Montezuma "was served in the following manner: Every day, as soon as it was light, six hundred nobles and men of rank were in attendance at the palace, who either sat or walked about in the halls and galleries, and passed their time in conversation, but without entering the apartment where his person was. The servants and attendants of these nobles remained in the courtyards, of which there were two or three of great extent, and in the adjoining street, which was also very spacious. They all remained in attendance from morning till night; and when his meals were served, the nobles were likewise served with equal profusion, and their servants and secretaries also had their allowance. Daily his larder and wine-cellar were open to all who wished to eat or drink. The meals were served by three or four hundred youths, who brought in an infinite number of dishes; indeed, whenever he dined or supped the table was loaded with every kind of flesh, fish, fruits and vegetables that the country produced. As the climate is cold, they put a chafing-dish with live coals under every plate and dish, to keep them warm. The meals were served in a large hall in which Montezuma was accustomed to eat, and the dishes quite filled the room, which was covered with mats and kept very clean. He sat on a small cushion, curiously wrought of leather. During the meal there were present, at a little distance from him, five or six elderly caciques, to whom he presented some of the food. And there was constantly in attendance one of the servants, who arranged and handed the dishes, and who received from others whatever was wanted for the supply of the table. Both at the beginning and end of every meal, they furnished water for the hands, and the napkins used on these occasions were never used a second time, and this was the case also with the plates and dishes, which were not brought again, but new ones in place of them; it was the same with the chafing-dishes." [Footnote: Despatches of Cortes, Folsom's Trans, p. 123]

Since cursive writing was unknown among the Aztecs, the presence of these secretaries is an amusing feature in the account. The wine-cellar also

is remarkable for two reasons; firstly, because the level of the streets and courts was but four feet above the level of the water, which made cellars impossible; and, secondly, because the Aztecs had no knowledge of wine. An acid beer (pulque), made by fermenting the juice of the maguey, was a common beverage of the Aztecs, but it is hardly supposable that even this was used at dinner. It will he noticed that according to this account the dinner was served to all at the same time, Montezuma and several chiefs eating at one end of the room, but no mention is made of the manner in which the remainder ate. The six hundred men (or less) who remained about the house and courts during the day, we may well suppose, were, with their families, joint residents and joint proprietors with Montezuma of the establishment. Two or three structures are mingled in these descriptions, which were probably entirely distinct in their uses.

Herrera gathered up the subsequent growth of the story, which undoubtedly made a great sensation in Europe as a part of the picture of life in the New World; and embellished it from sheer delight in a marvelous tale. The few facts stated by Bernal Diaz, expressing the interpretation of the Spanish soldiers, were fruitful seeds planted three hundred years ago, which the imaginations of enthusiastic authors have developed into a glowing and picturesque narrative. The principal part of Herrera'a account runs as follows: "Montezuma did always eat alone, and so great a quantity of meat was served up to his table, such great variety, and so richly dressed, that there was sufficient for all the prime men of his household. His table was a cushion, or two pieces of colored leather; instead of a chair, a little low stool, made of one piece, the seat hollowed out, carved and painted in the best manner that could be; the table-cloth, napkins, and towels of very fine cotton as white as snow, and never served any more than once, being the fees of the proper officers. The meat was brought in by four hundred pages, all gentlemen, sons of lords, and set down together in a hall; the king went thither, and with a rod, or his hand, pointed to what he liked, and then the sewer set it upon the chafing-dishes that it might not be cold; and this he never failed to do, unless the steward at any time very much recommended to him some particular dishes. Before he sat down, twenty of the most beautiful women came and brought him water to wash his hands, and when seated the sewer did shut a wooded rail that divided the room, lest the nobility that went to see him dine should encumber the table, and he alone set on and took off the dishes, for the pages neither came near nor spoke a

word. Strict silence was observed, none daring to speak unless it was some jester, or the person of whom he asked a question. The sewer was always upon his knees and barefooted, attending him without lifting up his eyes. No man with shoes on was to come into the room upon pain of death. The sewer also gave him drink in a cup of several shapes, sometimes of gold, and sometimes of silver, sometimes of gourd, and sometimes of the shells of fishes." [Footnote: Solis, thinking a cocoanut shell altogether too plain, embellishes the shell with jewels: "He had cups of gold, and salvers of the same; and sometimes he drank out of cocoas and natural shells very richly set with jewels."—History of the Conquest of Mexico, Lond., ed. 1738, Townshend's Trans., I, 417.]

"Six ancient lords attended at a distance, to whom he gave some dishes of what he liked best, which they did eat there with much respect. He had always music of flutes, reeds, horns, shells, kettle-drums, and other instruments, nothing agreeable to the ears of the Spaniards…. There were always at dinner dwarfs, crooked and other deformed persons, to provoke laughter, and they did eat of what was left at the further end of the hall, with the jesters and buffoons. What remained was given to three thousand Indians, that were constantly upon guard in the courts and squares, and therefore there were always three thousand dishes of meat and as many cups of liquor; the larder and cellar were never shut, by reason of their continual carrying in and out. In the kitchen they dressed all sorts of meat that were sold in the market, being a prodigious quantity, besides what was brought in by hunters, tenants, and tributaries. The dishes and all utensils were all of good earthenware, and served the king but once. He had abundance of vessels of gold and silver, yet made no use of them, because they should not serve twice." [Footnote: History of America, ii, 336.] Further on, and out of its place, Herrera gives us what seems to have been a call of the scattered household to dinner. "When it was dinner-time," he remarks, "eight or ten men whistled very loud, beating the kettle-drums hard, as it were to warn those that were to dance after dinner; then the dancers came, who, to entertain their great sovereign, were all to be men of quality, clad as richly as they could, with costly mantles, white, red, green, yellow, and some of several colors." [Footnote: ib., 443.]

The four women of Diaz who brought water to Montezuma have now increased to twenty; but, as the Spanish writers claimed a wide latitude in the matter of numbers, fivefold is not, perhaps, unreasonable, especially as

it did not occur to Herrera that Diaz may, at the outset, have quadrupled the actual number. The "three or four hundred youths" who brought in the dinner, according to Cortes, settle down under Herrera to "four hundred pages, all gentlemen, sons of lords"; and here we must recognize the discrimination of the historian in that he found the highest number stated by Cortes fully adequate to the occasion. Two other things may be noticed: shoes have disappeared from all Indian feet in the face of a terrific penalty, and three thousand hungry Indians stand in peaceful quietude, while their dinner grows cold upon the floor, as Montezuma eats alone in solitary grandeur. No American Indian could be made to comprehend this picture. It lacks the realism of Indian life, and embodies an amount of puerility of which the Indian nature is not susceptible. Europeans and Americans may rise to the height of the occasion because their mental range is wider, and their imaginations have fed more deeply upon nursery tales. Diaz had contented himself with saying that Montezuma "had two hundred of his nobility on guard in apartments adjoining his own," [Footnote: History of the Conquest of Mexico, I, 198.] in whom may be recognized his fellow-householders; but Cortes generously increased the number to "six hundred nobles and men of rank," who appeared at daylight and remained in attendance during the day. Neither number, however, was quite sufficient to meet the conceptions of the historiographer of Spain, and accordingly three thousand, all guards, were adopted by Herrera as a suitable number to give eclat to Montezuma's dinner. If any man conversant with Indian character could show by what instrumentality five hundred Indians could be kept together twelve hours in attendance upon any human being from a sense of duty, he would add something to our knowledge of the Red Race; and could he prove further that they had actually waited, in the presence of as many earthen bowls, smoking with their several dinners, while their war-chief in the same room was making his repast alone, the verifier would thereby endow the Indian character with an element of forbearance he has never since been known to display. The block of wood hollowed out for a stool or seat may be accepted, for it savors of the simplicity of Indian art. That the Aztecs had napkins of coarse texture, woven by hand, is probable; as also that they were white, because cotton is white.

Imagination might easily expand a napkin into a table-cloth, provided a table existed to spread it upon; but in this case, without duly considering the relation between the two, the table-cloth has been created, but the table

refuses to appear. The napkin business, therefore, seems to have been slightly overdone. Finally, the call of the scattered household to dinner by kettle-drums and whistling savors too strongly of Indian ways and usages to be diverted into a summons to the dancers, as Herrera suggests. This Aztec dinner-call, on a scale commensurate with a large communal household, would have been lost to history but for the special use discerned in it to decorate a tale. It recognizes the loitering habits of an Aztec household, and perhaps the irregularity of the dinner-hour.

Passing over the descriptions of Sahagun, Clavigero, and Prescott, who have kindled into enthusiasm over this dinner of Montezuma, Mr. Hubert H. Bancroft shall be allowed to furnish us with the very latest version. "Every day," he remarks, "from sunrise until sunset the antechambers of Montezuma's palace in Mexico were occupied by six hundred noblemen and gentlemen, who passed their time lounging about and discussing the gossip of the day in low tones, for it was considered disrespectful to speak loudly or make any noise within the palace limits. They were provided with apartments in the palace, and took their meals from what remained of the superabundance of the royal table, as did after them their own servants, of whom each person of quality was entitled to from one to thirty according to his rank. These retainers, numbering two or three thousand, filled several outer courts during the day. The king took his meals alone in one of the largest halls of the palace…. He was seated upon a low leather cushion, upon which were thrown various soft skins, and his table was of a similar description, except that it was larger and rather higher, and was covered with white cotton cloths of the finest texture. The dinner-service was of the finest ware of Cholula, and many of the goblets were of gold and silver, or fashioned with beautiful shells. He is said to have possessed a complete service of solid gold, but as it was considered below a king's dignity to use anything at table twice, Montezuma, with all his extravagance, was obliged to keep this costly dinner-set in the temple. The bill of fare comprised everything edible of fish, flesh, and fowl that could be procured in the empire or imported beyond it. Relays of couriers were employed in bringing delicacies from afar…. There were cunning cooks among the Aztecs, and at these extravagant meals there was almost as much variety in the cookery as in the matter cooked. Sahagun gives a most formidable list of roast, stewed, and broiled dishes, of meat, fish, and poultry, seasoned with many kinds of herbs, of which, however, that most frequently mentioned is chile. He

further describes many kinds of bread, all bearing a more or less close resemblance to the Mexican tortilla … then tamales of all kinds, and many other curious messes, such as frog spawn and stewed ants, cooked with chile…. Each dish was kept warm on a chafing-dish placed under it. Writers do not agree as to the exact quantity of food served up at each meal, but it must have been immense, since the lowest number of dishes given is three hundred and the highest three thousand. They were brought into the hall by four hundred pages of noble birth, who placed their burdens upon the matted floor and retired noiselessly. The king then pointed out such viands as he wished to partake of, or left the selection to his steward, who doubtless took pains to study the likes and dislikes of the royal palate. The steward was a functionary of the highest rank and importance; he alone was privileged to place the designated delicacies before the king upon the table; he appears to have done duty both as royal carver and cup-bearer; and, according to Torquemada, to have done it barefooted and on his knees. [Footnote: The 'cup-bearer' agrees reasonably well with the 'window-curtains.'] Everything being in readiness, a number of the most beautiful of the king's women entered, bearing water in round vessels called Xicales, for the king to wash his hands in, and towels that he might dry them, other vessels being placed upon the ground to catch the drippings. Two other women at the same time brought him some small loaves of a very delicate kind of bread, made of the finest maize flour, beaten up with eggs. This done, a wooden screen, carved and gilt, was placed before him that no one might see him while eating. There were always present five or six aged lords, who stood near the royal chair barefooted and with bowed heads. To these, as a special mark of favor, the king occasionally sent a choice morsel from his own plate. During the meal the monarch amused himself by watching the performances of his jugglers and tumblers, whose marvellous feats of strength and dexterity I shall describe in another place; at other times there was dancing, accompanied by singing and music…. The more solid food was followed by pastry, sweetmeats, and a magnificent dessert of fruit. The only beverage drank was chocolate, of which about fifty jars were provided; it was taken with a spoon, finely wrought of gold or shell, from a goblet of the same material. Having finished his dinner, the king again washed his hands in water brought to him, as before, by the women. After this, several painted and gilt pipes were brought, from which he inhaled, through his mouth or nose, as best suited him, the smoke of a mixture of

liquid amber and an herb called tobacco. This siesta over, he devoted himself to business, and proceeded to give audience to foreign ambassadors or deputations from cities in the empire, and to such of his lords and ministers as had business to transact with him." [Footnote: Native Races of the Pacific States, ii, 174-178.]

In this account, although founded upon those of Diaz and Cortes, and showing nothing essentially new, we have the final growth of the story to the present time, but without any assurance that the limits of its possible expansion have been reached. The purification of our aboriginal history, by casting out the mass of trash with which it is so heavily freighted, is forced upon us to save American intelligence from deserved disgrace. Whatever may be said of the American aborigines in general, or of the Aztecs in particular, they were endowed with common sense in the matter of their daily food, which cost them labor, forethought, and care to provide. The picture of Indian life here presented is simply impossible. Village Indians in the Middle Status of barbarism were below the age of tables and chairs for dinner service; neither had they learned to arrange a dinner to be eaten socially at a common table, or even to share their dinner with their wives and children. Their joint-tenement houses, their common stores, their communism in living, and the separation of the sexes at their meals, are genuine Indian customs and usages which explain this dinner. It was misconceived by the Spaniards quite naturally, and with the grotesque results herein presented; but there is no excuse for continuing this misconception in the presence of known facts accessible to all.

There is no doubt whatever that Montezuma was treated with great consideration by all classes of persons. Indians respect and venerate their chiefs. As their principal war-chief, Montezuma held the highest official position among them. He is represented as amiable, generous, and manly, although unnerved by the sudden appearance and the novel and deadly arms of the Spaniards. He had charge of the reception and entertainment of Cortes and his men, who requited him savagely for his hospitality and kindness. But when his home-life is considered, he fared no better than his fellow-householders, sharing with them their common dinner. These accounts, when divested of their misconceptions, render it probable that Montezuma was living with his gentle kinsmen in a house they owned in common; and that what the Spaniards saw was a dinner in common by this household, which, with the women and children, may have numbered from

five hundred to a thousand persons. When the scattered members of the household had been summoned, the single daily meal was brought in by a number of persons from the common cook-house in earthen bowls and dishes, and set down upon the floor of an apartment used as a place for dinner in the fashion of Indians. Indians as they were, they doubtless took up these bowls one by one, each containing the dinner of one person divided at the kettle. They ate standing, or it may be sitting upon the floor, or upon the ground in the open court. Indians as they were, the men ate first and by themselves, and the women and children afterwards. After dinner was over, they were diverted, probably, with music and dancing, and made themselves merry, as well-fed Indians are apt to do. That the same dinner, conducted in a similar manner, occurred at all the houses in the pueblo, large and small, once a day, there can scarcely be a doubt.

The dinner of Montezuma which has gone into history, and been read for three centuries with wonder and admiration, is an excellent illustration of the slender material out of which American aboriginal history has been made. It shows, moreover, as a warning, what results flow from great misconceptions through the constructive faculty of authors.

A confederacy of three Indian tribes, speaking dialects of the same language, was precisely what the Spaniards found in Mexico, and this was all they found. They had no occasion in their accounts to advance a step beyond this simple fact. A satisfactory explanation of this confederacy can be found in similar Indian confederacies. It was a growth from the common institutions of the Indian family. Underneath these delusive pictures a council of chiefs is revealed, which was the natural and legitimate instrument of government under Indian institutions. No other form of government was possible among them. They had, beside, which was an equally legitimate part of this system, an elective and deposable war-chief (Teuchtli), the power to elect and to depose being held by a fixed constituency ever present, and ready to act when occasion required. The Aztec organization stood plainly before the Spaniards as a confederacy of Indian tribes. Nothing but the grossest perversion of obvious facts could have enabled Spanish writers to fabricate the Aztec monarchy out of a democratic organization.

Without ascertaining the unit of their social system, if organized in gentes, as they probably were, and without gaining any knowledge of the organization that did exist, they boldly invented for the Aztecs a monarchy,

with high feudal characteristics, out of the reception of Cortes by their principal war-chief, and such other flimsy materials as Montezuma's dinner. This misconception has stood, through American indolence, quite as long as it deserves to stand.

Since the foregoing was written, the investigations of Mr. Bandelier "On the Social Organization and Mode of Government of the Ancient Mexicans" have been published. With the new light thus thrown upon the subject, this chapter should have been re-written. He shows that the Aztecs were composed of twenty gentes or clans. "The existence of twenty autonomous consanguine groups is thus revealed, and we find them again at the time of the conquest, while their last vestiges were perpetuated until after 1690, when Fray Augustin de Vetancurt mentions four chief quarters with their original Indian names, comprising and subdivided into twenty 'barrios'. Now the Spanish word 'barrio' is equivalent to the Mexican term 'calpulli.' Both indicate the kin, localized and settled with the view to permanence." [Footnote: Twelfth Annual Report of the Peabody Museum of Archaeology and Ethnology, Cambridge, 1880, p. 591.]

This organization, as was to have been expected, lies at the foundation of their social system. He names the following as among the rights, duties, and obligations of the kinship:

I. The kin claimed the right to name its members.

II. It was the duty of the kin to educate or train its members to every branch of public life.

III. The kin had the right to regulate and to control marriage.

IV. It was one of the attributes of the kin to enjoy common burial.

V. The right of the kin to 'separate worship' appears not only established within the kin's territory, but it is also recognized even at the central medicine-lodge of the tribe.

VI. The kin was obligated to protect and defend the persons and property of its members, and to resent and punish any injury done to them, as if it were a crime committed against the kin itself.

VII. The kin had the right to elect its officers, as well as the right to remove or depose them for misbehavior.

[Footnote: Twelfth Ann. Rept. Peabody Museum, pp. 615-638.]

He also regards the four "brotherhoods" who occupied the four quarters of the pueblo as probably phratries. [Footnote: ib., p. 584.] He also shows that

the government was under the control of a council, Tlatocan, composed of a body of chiefs. [Footnote: ib., p. 646, et seq.]

One of the most interesting results of this investigation is the discovery of a class of persons unattached to any gens, "outcasts from the bond of kinship." [Footnote: ib., p. 608, et seq.] Such a class grows up in every gentile society, when as far advanced as the Aztecs were. It finds its analogue in the Roman Plebeians. This remarkable essay will abundantly repay a careful study.

When we have learned to speak of the American Indians in language adapted to Indian life and Indian institutions, they will become comprehensible. So long as we apply to their social organizations and domestic institutions terms adapted to the organizations and to the institutions of civilized society, we caricature the Indians and deceive ourselves. There was neither a political society, nor a state, nor any civilization in America when it was discovered; and, excluding the Eskimos, but one race of Indians, the Red Race.

[Relocated Footnote 1: In the Despatches of Cortes the term King "El rey" is not used in speaking of Montezuma, but Senhor and cacique.

The Valley of Mexico, including the adjacent mountain slopes and excluding the area covered by water, was about equal to the State at Rhode Island, which contains thirteen hundred square miles; an insignificant area for a single American Indian tribe. But the confederacy had subdued a number of tribes southward and southeastward from the valley as far as Guatemala, and placed them under tribute. Under their plan of government it was impossible to incorporate these tribes in the Aztec confederacy; the barrier of language furnished an insuperable objection; and they were left to govern themselves through their own chiefs, and according to their own usages and customs. As they were neither under Aztec government nor Aztec usages, there is no occasion to speak of them as a part of the Aztec confederacy or even as an appendage of its government. The power of the confederacy did not extend a hundred miles beyond the Pueblo of Mexico on the west, northwest, north, northeast, or east sides, in each of which directions they were confronted by independent and hostile tribes.

The population of the three confederate tribes was confined to the valley, and did not probably exceed two hundred and fifty thousand souls, including the Moquiltes, Xochomileos, and Chaleans, if it equaled that number, which would give nearly twice the present population of New York

to the square mile, and a greater population to the square mile than Rhode Island now contains. The Spanish estimates of Indian populations were gross exaggerations. Those who claim a greater population for the Valley of Mexico than that indicated will be bound to show how a barbarous people, without flocks and herds and without field agriculture, could have sustained in equal areas a larger number of inhabitants than a civilized people armed with these advantages.]

[Relocated Footnote 2: My learned friend, Mr. Ad. F. Bandelier, of Highland, Ill., has arrived at the same conclusion, substantially, as stated in the conclusion of his recent "Memoir on the Social Organization and Mode of Government of the Ancient Mexicans," 12th Annual Report of the Peabody Museum of American Archaeology and Ethnology. Cambridge, 1880, p. 699.

"Taking all this together, and adding it to the results of our investigations into the military organization of the ancient Mexicans, as well as of their communal mode of holding and enjoying the soil, we feel authorized to conclude that the social organization and mode of government of the ancient Mexicans was a military democracy, originally based upon communism in living."]

CHAPTER XI.

RUINS OF HOUSES OF THE SEDENTARY INDIANS OF YUCATAN AND CENTRAL AMERICA.

At the epoch of their discovery, Yucatan, Chiapas, and Guatemala were probably more thickly peopled than any other portion of North America of equal area; and their inhabitants were more advanced than the remaining aborigines. Their pueblos were planted along the rivers and streams, often quite near each other, and presented the same picture of occupation and of village life which might have been seen at the same time in the valley of the Rio Grande, of the Rio Chaco, and probably of the San Juan, and, at a still earlier period, of the Scioto. They consisted of a single great house, or of a cluster of houses near each other, forming one pueblo or village. In some cases, four or more structures were grouped together upon the same elevated platform; and where there were several of these platforms, each surmounted with one or more edifices, one of them was devoted to religious, and a portion of another to social and public uses. But there is no reason for supposing, from any ruins yet found, or from what is known of the people historically, that any one pueblo contained, at most, ten thousand inhabitants. No one tribe, or confederacy of tribes, had risen to supremacy within either of these areas by the consolidation of surrounding tribes. They were found, on the contrary, in the same state of subdivision and independence which invariably accompanies the gentile organization. Confederacies in all probability existed among such contiguous pueblos as spoke the same dialect, as the Cibolans were probably confederated, and as the Aztecs, Tezcucans, and Tlacopans are known to have been. Such confederacies, however, could not have reached beyond a common language of the tribes confederated.

The great houses of stone of the Village Indians within the areas named, and particularly in Yucatan and Central America, have done more than all other considerations to give to them their present position in the estimation of mankind. They are the highest constructive works of the Indian tribes. It may also be again suggested that, from the beginning, a false interpretation has been put upon this architecture, from a failure to understand its object and uses, or the condition and plan of domestic life of the people who

occupied these structures. The design and object for which these edifices were constructed still await an intelligent explanation.

The highest type of architecture which then existed among the aborigines in any part of America was found in the regions named; particularly in Yucatan, Chiapas, and Honduras. Speaking of Yucatan, Herrera remarks that "the language is everywhere the same," the Maya being the language of its principal tribes, but "the whole country," he continues, "is divided into eighteen districts." [Footnote: History of America, l. c., iv, 161.]

If this reference is to a classification by tribes, it shows that the Mayas had fallen, by the process of segmentation, into this number of independent groups; the pueblos in each district being united under one government for mutual defense. It seems probable, however, that the group was smaller than a tribe. It is difficult in some cases to determine, from Herrera's language, whether he refers to native or Spanish divisions. In like manner, speaking of Chiapas, he remarks, that "this province is divided into four nations of different languages, which are the Chiapanecans, the Toques, the Zelsales, and the Quelenes, all of which differ in some particulars…. There are in it twenty-five towns, the chief of them called Tecpatlan, i.e., (among the Toques)…. The nation of Zelsales has thirteen towns…. the Quelnes have twenty-five towns." [Footnote: ib., iv, 189.]

Sixty-three pueblos in three of the four tribes who occupied the small territory of Chiapas is a very large number, except on the supposition that each pueblo consisted usually of a single great house, like those in New Mexico, which is probable; but even then it seems excessive. It tends, however, to show the mode of occupation and settlement of the Village Indians in general. They planted their pueblos on the water-courses, where such existed, each tribe or subdivision of a tribe gathering in a cluster of houses, four or five in number, or in a single house; and, as may he inferred from the descriptions of Las Casas, so near together on the same rivulet that had not the native forest obstructed the view they would have been in sight of each other for miles along its banks. The scattered ruins of these pueblos in Yucatan at the present time, often consisting of a single large structure, confirms this view.

The tropical region of Yucatan and Central America, then as now, was undoubtedly covered with forests, except the limited clearings around the pueblos, and, apart from these pueblos, substantially uninhabited. Field agriculture was of course unknown, as they had neither domestic animals

nor plows; but the Indians cultivated maize, beans, squashes, pepper, cotton, cacao, and tobacco in garden beds, and exercised some care over certain native fruits; cultivation tending to localize them in villages. Herrera remarks of the Village Indians of Honduras that "they sow thrice a year, and they were wont to grub up great woods with hatchets made of flint." [Footnote: History of America, iv., 133.]

Without metallic implements to subdue the forest, or even with copper axes, such as were found among the Aztecs, a very small portion only of the country would have been brought under cultivation, and that confined mainly to the margins of the streams.

Las Casas, bishop of Chiapas, who was in Yucatan and Chiapas about 1539, after remarking of the people of the former country that they were "better civilized in morals and in what belongs to the good order of societies than the rest of the Indians," proceeds as, follows: "The pretence of subjecting the Indians to the government of Spain is only made to carry on the design of subjecting them to the dominion of private men, who make them all their slaves". [Footnote: An Account of the First Voyages, etc., in America, Lond. ed., Trans., p. 52.]

And, again, he quotes from a letter of the bishop of St. Martha to the King of Spain, to this effect: "To redress the grievances of this province, it ought to be delivered from the tyranny of those who ravage it, and committed to the care of persons of integrity, who will treat the inhabitants with more kindness and humanity; for if it be left to the mercy of the governors, who commit all sorts of outrages with impunity, the province will be destroyed in a very short time." [Footnote: ib., p. 61.]

There are two material questions which require priority of consideration: First, whether or not the houses now in ruins in Yucatan and Central America were occupied at the time of the Spanish conquest; and, second, whether or not the present Indians of the country are the descendants of the people who constructed them. There is no basis whatever for the negative of either proposition; but it is assumed by those who regard the so-called palace at Palenque and the Governor's House at Uxmal as the ancient residences of Indian potentates that great cities which once surrounded them have perished, and, further, that these ruins have an antiquity reaching far back of the Spanish conquest.

Mr. Stephens adopts the conclusion "that at the time of the conquest, and afterwards, the Indians were living in and occupied these very cities."

[Footnote: Incidents of Travel in Yucatan, ii, 348, 375.]

He also regarded the present Indians of the country as the descendants of those in possession at the time of the conquest. He might have added that as the Maya was the language of the aborigines of Yucatan at the epoch of the discovery, and is now the language of the greater part of the natives who have not lost their original speech, there was no ground for either supposition. Herrera remarks of the inhabitants of Yucatan, that the "people were then found living together very politely in towns, kept very clean … and the reason of their living so close together was because of the wars which exposed them to the danger of being taken, sold, and sacrificed; but the wars of the Spaniards made them disperse." [Footnote: History of America, iv, 168.] This last statement is very significant. Mr. Stephens, whose works and whose observations are in the main so valuable, is responsible to no small extent for the delusive inferences which have been drawn from the architecture of Yucatan, Honduras, and Chiapas. If he had repressed his imagination and confined himself to what he found, namely, certain Indian pueblos built of dressed stone, and in good architecture, which are sufficiently remarkable just as they are, in ruins, and had omitted altogether such terms as "palaces" and great cities, his readers would have escaped the deceptive conclusions with respect to the actual condition of society among the aborigines which his terminology and mode of treatment were certain to suggest.

It is sufficiently ascertained that within a few years after the conquest of Mexico, Yucatan and Central America were overrun by military adventurers whose rapacity and violence drove the harmless and timid Village Indians from their pueblos into the forests; thus destroying in a few years a higher culture than the Spaniards were able to substitute in its place. Nothing can be plainer, I think, than this additional fact, that all there ever was of Palenque, Uxmal, Copan, and other Indian pueblos in these areas, building for building and stone for stone, is there now in ruins.

There are reasons for believing, from the more advanced condition of their house architecture, that Yucatan was inhabited by Village Indians from an earlier, and for a much longer, period than the valley of Mexico. The traditions of the Yzaes of Chichenisa, possibly Chichen Itza, and of the Cocomes of Mayapan, related by Herrera, [Footnote: History of America, iv, 162, 163, 165.] claim a more ancient occupation of Yucatan than the Aztec traditions claim for the occupation of the valley of Mexico. The type

of village life among the American aborigines was adapted to a warm climate, and presented in this area its highest exemplification.

The notices of the great houses in Yucatan are brief and general in the Spanish histories. Speaking of its eighteen districts, Herrera remarks that "in all of them were so many, and such stately stone buildings, that it was amazing, and the greatest wonder is, that having no use of any metal, they were able to raise such structures, which seem to have been temples, for their houses were always of timber and thatched." [Footnote: ib., iv, 162.]

This last statement is not only at variance with a previous one quoted above, but is another of the numerous misconceptions which impair so greatly the value of the Spanish histories. The people undoubtedly resided in these houses, which were adapted to such a use only, and were also in the nature of fortresses, thus proving the insecurity in which they lived. Some portion of the tribe may have resided in inferior and common habitations in the vicinity of these pueblos, and under their protection; but the great houses of stone were built for residences and not for temples, and were the homes of the body of the people. There were many of these pueblos, nearly all of them composed of one or two large structures, sprinkled over the face of the country in eligible situations after the manner of Village Indian life. The same adaptation to communism in living in large households is found impressed upon all the houses now in ruins in these areas. They are joint-tenement houses of the American type, and very similar to those still found in New Mexico and on the San Juan. At the epoch of the Spanish conquest, they were occupied pueblos, and were deserted by the Indians to escape the rapacity of Spanish military adventurers by whom they were oppressed and abused beyond Indian endurance. Instances are mentioned by Herrera where large numbers destroyed themselves to escape the exactions of Spanish masters, whom they were unable to resist. [Footnote: History of America, III, 346.]

The numerous pueblos in ruins scattered through the forests of Yucatan and southward are so many monuments of Spanish misrule, oppression, and rapacity.

The most extensive group of ruins in Yucatan is that at Uxmal. Its several structures are known as the "Governor's House"; the "House of the Nuns," which consists of four disconnected buildings, facing the four sides of a court; the "House of the Pigeons," consisting of two quadrangles; the "House of the Turtles"; the "House of the Old Woman"; and the "House of

the Dwarf", with some trace of smaller buildings of inconsiderable size, and one or two pyramidal elevations unoccupied by structures. Of these, the "Governor's House" may have been the Tecan, or Official House of the Tribe, from the unusual size of the central rooms The "House of the Dwarf" was probably designed for the observance of religious rites. The remaining structures were evidently the residence portions of the pueblo.

Among the Aztecs, three kinds of houses were distinguished: 1. Calli, the ordinary dwelling house, of which the "House of the Nuns" is an example. 2. Ticplantlacalk, the "Stone House," which contained council halls, etc., of which the "Governor's House" is an example. 3. Teocalli, "House of God," such as the "House of the Dwarf." The estufas in New Mexican pueblos took the place of the last two in Mexico and Yucatan.

Ground plans of the principal structures will be given for comparison with those in New Mexico. The pyramidal elevations on which they stand are situated quite near each other, and form one Indian pueblo. The houses are constructed of stone laid in courses, and dressed to a uniform surface, with the upper half of the exterior walls decorated with grotesque ornaments cut on the faces of the stone. Foster states that "these structures are composed of a soft coralline limestone of comparatively recent geological formation, probably of the Tertiary period." [Footnote: Prehistoric Races of the United States, p 398]

The so-called idols at Copan are the largest stones worked by the Central Americans. They are about eleven feet high by three feet wide and three feet deep, each face being covered with sculptures and hieroglyphics. In a field near the ruins, and near each other, are nine of these elaborately ornamented statues. By the side of each is a so called altar, about six feet square and four feet high, made of separate stone. These Idols and Altars have been supposed to have some relation to their religious system, with human sacrifices in the background. From their situation and character it may be conjectured that we have here the Copan cemetery, and that these idols are the grave-posts, and these altars are the graves of Copan chiefs. The type of both may still be seen in Nebraska in the grave-posts and grave-mounds by their side, of Iowas and Otoes, and formerly in all parts of the United States east of the Mississippi. If Mr. Stephens had opened one of these altars he would, if this conjecture is well taken, have found within or under it an Indian grave, and perhaps a skeleton, with the personal articles usually entombed beside the dead. It was customary among the Northern

Indians for the chosen friend of the decedent, with whom he formed this peculiar tie, to erect his grave-post, representing the chief exploits of the departed upon one side, with ideographs and his own upon the opposite side. "The stone," Mr. Stephens observes, "of which all these altars and statues are made, is a soft grit-stone." [Footnote: Central America, Chiapas and Yucatan, 1-153.] Norman had previously described the material used as a "fine concrete limestone." [Footnote: Rambles in Yucatan, p 126.]

Elsewhere, with respect to the nature of the tools for cutting this stone, he remarks that "flint was undoubtedly used." [Footnote: ib., p 184] Stephens makes a similar statement. The exact size of the stones used is not given, but they were not large. Norman remarks of Chichen Itza that "the stones are cut in parallelopipeds of about twelve inches in length and six in breadth, the interstices filled up with the same materials of which the terraces are composed." [Footnote: Rambles in Yucatan p 127] He also speaks of "huge blocks of hewn stone used in the doorways." [Footnote: ib. p. 128]

A soft coralline limestone could be easily worked with flint implements when first taken from the quarry, and would harden after exposure to the air. The size and nature of the stones used is some evidence of limited advancement in solid stone architecture.

These structures, as reproduced in engravings by Stephens and Catherwood, may well excite surprise and admiration for the taste, skill, and industry they display, and the degree of progress they reveal. When rightly understood, they will enable us to estimate the extent of the progress actually made, which was truly remarkable for a people still in barbarism, and no further advanced than the Middle Status.

[Illustration: Side elevation of pyramidal platform of Governor's House]

We have seen that the style of architecture in New Mexico brought the Indians to the house tops as the common place of living. At first suggested for security, it became in time a settled habit of life. The same want was met in Yucatan and Chiapas by a new expedient namely a pyramidal platform or elevation of earth twenty, thirty and forty feet high upon the level summits of which their great houses were erected. These platforms were made still higher for small buildings. A natural elevation being when practicable selected the top was leveled or raised by artificial means, the sides made rectangular and sloping and faced on the four sides with a dry stone wall,

the ascent being made by a flight of stone steps. It was not uncommon to find two such platforms and sometimes three, one above the other, as shown in the figure. These platforms, called terraces, were the gathering and the lounging places, of the inhabitants.

The edifices in the regions named are almost invariably but one story high, and but two rooms deep, the walls being carried up vertically to an equal height on the sides and ends, and terminating in a flat roof. The doorways opened upon the platform area or terrace when the building was single, and where it was carried around the four aides of an inclosed court they opened usually upon the court. As their elevation above the level of the surrounding area invested them with the character of fortresses, they were defended on the line or edge of the terrace-walls, or, rather, at the head of the flight of steps by means of which the summit-level was reached. Neither adobe brick, nor rubble masonry, nor timber roofs could withstand the tropical climate, with its pouring rains during a portion of the year. Stone walls and a vaulted ceiling were indispensable to a permanent structure. There were, doubtless, pueblos of timber-framed houses with thatched roofs here and there in Yucatan, Chiapas, and Honduras, as there were further south toward the Isthmus; but the prevailing material used was stone, as the number of small pueblos in ruins still attest. Upon these elevated platforms they enjoyed the same security as the Village Indians of New Mexico upon their roof-tops and within the walls of their houses. They were also raised above the flight of the mosquitoes and flies, the scourge of this hot region. Considering the surrounding conditions, single-storied houses upon raised platforms was a natural suggestion, harmonizing with a style of architecture, the communal character of which was predetermined by their social condition. For the details of this architecture reference must be made to published works, which are easily accessible, its general features and the principles from which they sprang being the only subjects within the scope of this inquiry.

The front elevation of the Governor's House at Uxmal, shown in the engraving, and which was taken from Stephens' work, will answer as a sample of the whole. It stands upon the upper of three platforms, of which the lowest is five hundred and seventy-five feet long, fifteen feet broad to the base of the middle platform, and three feet high. The second is five hundred and forty-five feet long, two hundred and fifty feet broad to the base of the upper platform, and twenty feet high. The third is three hundred

and sixty feet long, thirty feet broad in front of the edifice, and nineteen feet high. The upper one is formed upon the back half of the middle platform, of which last Mr. Stephens observes that "this great terrace was not entirely artificial. The substratum was a natural rock, and showed that advantage had been taken of a natural elevation as far as it went, and by this means some portion of the immense labor of constructing the terrace had been saved." [Footnote: Incidents of Travel in Yucatan, i, 128.]

The three terraces with their sloping walls are shown in the engraving, the house standing upon an elevation forty-two feet above the surrounding area. The ascent from terrace to terrace was made by flights of stone steps, which are not distinctly shown. When newly constructed and inhabited, this structure, from its commanding situation, its great size, and conspicuous terraces, must have presented a striking appearance. It is doubtful whether any of the Aryan tribes, when in the Middle Status of barbarism, have produced houses superior to those in Yucatan.

The house is symmetrical in structure, three hundred and twenty-two feet long, thirty-nine feet deep, and about twenty-five feet high. It has eleven doorways, besides two small openings in front, and contains twenty-two apartments, two of which are each sixty feet long. The rear wall is solid, and in the central part is nine feet thick. A parallel wall through the center divides the interior into two rows of apartments, of which those in front are eleven feet six inches deep and twenty-three feet high to the top of the arch, and those back of them are thirteen feet deep and twenty-two feet high. Both inside and out the walls are of dressed stone laid in courses. No drawings of the rooms in the Governor's House are furnished in Mr. Stephens' work. The back rooms are dark, excepting the light received through the front doorway.

"The House of the Nuns," says Mr. Stephens, "is quadrangular, with a court yard in the center. It stands on the highest of three terraces. The lowest is three feet high and twenty feet wide; the second, twelve feet high and forty-five feet wide; and the third, four feet high and five feet wide, extending the whole length of the front of the building. The front [building] is two hundred and seventy-nine feet long, and above the cornice, from one end to the other, is ornamented with sculpture. In the centre is a gateway ten feet eight inches wide, spanned by the triangular arch, and leading to the courtyard. On each side of this gateway are four doorways with wooden lintels opening to apartments averaging twenty four feet long, ten feet wide,

seventeen feet high to the top of the arch, but having no connection with each other. The building that forms the right or eastern side of the quadrangle measures one hundred and fifty-eight feet long; that on the left is one hundred and seventy-three feet long, and the range opposite, or at the end of the quadrangle measures two hundred and sixty-four feet. These three ranges have no doorways outside but the exterior of each is a dead wall, and above the cornice all are ornamented with the same rich and elaborate sculptures." [Footnote: Incidents of travel in Yucatan, i, 299.]

[Illustration: Fig. 53.—Ground plan of the House of the Nuns.]

Altogether, these four structures contain seventy-six apartments, which vary in size from twenty to thirty feet long, and from ten to twelve feet wide. There are twenty single apartments, and twenty five pairs of apartments, half of which, as in the Governor's House, are dark, except as they are lighted from the doorways connecting with the rooms in front. In the fifth structure, not described, there are six pairs of similar apartments. In the building on the right there are six rooms connecting with each other, one of which, the frost room, is shown in Fig. 54. This number of connecting rooms is so unusual in Yucatan architecture as to attract attention. Each of the four edifices would accommodate from six hundred to one thousand persons, after the fashion of Village Indians.

In this view of the interior of a room in the House of the Nuns, Fig. 54, which was taken from Stephens' work, is shown the form of the triangular ceiling common in all the edifices in Yucatan and Chiapas. It is a triangular arch above the line of the exterior cornice, without a keystone, and with the faces of the stones beveled, and forming a perfect vault over each apartment. But it has this peculiarity, that a space a foot or more wide in the center is carried up vertically about two feet, and covered with a cap of stone, so that the side walls which form the vaulted ceiling do not come together so as to rest against each other. The mechanical principle is the same as in the New Mexican arch, but is here applied in a more extended and more difficult scale. It is the most remarkable feature in this architecture, mechanically considered. When we come to know that this vaulted ceiling was constructed over a core of solid masonry within the chamber, afterwards removed—which was the fact—it will be seen that these Indian masons and architects were still feeling their way experimentally to a scientific knowledge of the art of arts. A projecting cornice or median entablature is seen above the doorway on the exterior

face of the wall, which balances somewhat the interior inward projection of the ceiling as it rises, and, since the wall is carried up flush with the cornice, the down-weight of the super-incumbent mass sustained the masonry. The room shown is thirty-three feet long, thirteen wide, and twenty-three feet high to the cap-stone, and the room communicating with it is of the same width, and nine feet long. The apartments back of these are of corresponding size. [Footnote: Incidents of Travel, etc., i, 308.]

There were originally lintels of hard sapote wood over the doorways, upon the decay of which a portion of the masonry has fallen. Those over the doorways through the partition walls are found in place. The proof of the comparatively modern date of these structures is conclusive from these facts alone.

It will be observed that there are six single apartments in the building on the right of the "House of Nuns" which have no connection with the remaining rooms of the building, and that the others are in pairs, a back room connecting with the one in front, and neither with any others. It seems to show very plainly, in the plan of the house itself, that it was designed to be occupied by distinct groups composed of related families, each group a large household by itself. If the communal principle in living existed in fact among them, its expression in the interior arrangement of the house, and in this form, might have been expected. This striking and significant feature runs through all the structures, in these areas, of which ground-plans have been obtained.

The triangular ceiling, in effect is an attempt to extend the lintel in sections across the vault of a chamber in the place of joists, and, so far as the writer is aware, the only attempt ever made by any barbarous people to form a ceiling of stone over ordinary residence rooms. In a wall and ceiling formed in this manner, and carried up several feet above the apex of the triangular arch, there would be no lateral thrust outward of the masonry.

It should be stated that there are neither fire-place, chimneys, nor windows in any of these houses; neither have any been found, so far as the writer is aware, in any ancient structure in Yucatan or Central America. Fires were not needed for warmth; but since they were for cooking, it shows very plainly that no cooking was done within these houses. A presumption at once arises that their inmates prepared their food in the open court, or on the middle terrace, by household groups, making a common stock of their provisions, and dividing from the earthen cauldron, like the Iroquois. The

communistic character of these houses is shown by their great size, and by the separation of the rooms, generally in pairs, having no connection with the remainder of the house. Each pair of rooms would accommodate several married pairs with their children; and so would each single apartment, according to the mode of life of the Village Indians. Moreover, communism in living appears to have been a law of man's condition both in the Lower and in the Middle Status of barbarism. Among the Iroquois, one regular meal each day was all their mode of life permitted; hunger being allayed by hominy kept constantly prepared, or such other food as their domestic resources allowed. It is not probable that the Aborigines of Yucatan were able to superadd either a regular breakfast or a supper. These belong to the more highly developed house-keeping of the monogamian family in civilization.

Another custom, usual in the Lower Status of barbarism, seems to have been continued in the Middle Status; namely, of the men eating first and by themselves, and the women and children afterwards. Without a knowledge of tables or of chairs, the dinner was of necessity a solitary affair between the person and his earthen bowl or platter. The time, however, for the dinner was the same to all the men, and afterwards to the women and children. Herrera, in his summary of the habits of the people of Yucatan, drops the remark incidentally, that at their festivals the women "did eat apart from the men." This is precisely what would have been expected had nothing been said on the subject. [Footnote: History of America, iv, 175.]

There are some proofs bearing directly upon the question of the ancient practice of communism in these Uxmal houses. They are found in the present usages of the Maya Indians of Yucatan, the descendants of the builders of these houses, which they may reasonably be supposed to have derived from their ancestors. At Nohcacab, a short distance east of the ruins of Uxmal, there was a settlement of Maya Indians, whose communism in living was accidentally discovered by Mr. Stephens, when among them to employ laborers. He remarks as follows: "Their community consists of a hundred labradores or working men; their lands are held in common, and the products are shared by all. Their food is prepared at one hut, and every family sends for its portion; which explains a singular spectacle we had seen on our arrival [in 1841], a procession of women and children, each carrying an earthen bowl containing a quantity of smoking hot broth, all coming down the same road, and dispersing among different huts…. From

our ignorance of the language, and the number of other and more pressing matters claiming our attention, we could not learn all the details of their internal economy but it seemed to approximate that improved state of association which is sometimes heard of among us; and as thus has existed for an unknown length of time, and can no longer be considered experimental, Owen and Fourier might perhaps take lessons from them with advantage…. I never before regretted so much my ignorance of the Maya language." [Footnote: Incidents of Travel, etc., ii, 14.]

A hundred working men indicate a total of five hundred persons who were then depending for their daily food upon a single fire, and a single cooking-house, the provisions being supplied from common stores, and divided from the kettle. It is not unlikely a truthful picture of the mode of life in the House of the Nuns, and in the Governor's House at the period of European discovery. Each group practising communism, for convenience and for economy, may have included all the inmates of a single house, or its occupants may have subdivided into lesser groups; but the presumption is in favor of the larger. Evidence has elsewhere been adduced of the existence of the organization into gentes among the Mayas, with descent in the male line, from which it may be inferred that the occupation of these houses was on the basis of gentile kinship among the families in each, the fathers and their children belonging to the same gens, and the wives and mothers to other gentes. All the facts seem to indicate that communism in living was practiced among the Village Indians in general upon a scale then unknown in other parts of the world, because they alone represented the culture and mode of life of the Middle Status of barbarism. The dinner of Montezuma, before considered, is an illustration.

[Illustration: Fig. 55.—Ground Plan of Zayi.]

Near Uxmal are the interesting ruins of Zayi, which present a new feature in Yucatan house architecture. Upon a low eminence are three independent structures, the second within and above the first or lowest, and the third within and above the second, presenting the appearance, in the distance, of a single quadrangular edifice in three receding stories. But each stands on a separate terrace, and is built against the one within, which rises above it, except the inner one, a single edifice occupying the summit. The outer quadrangle stands on the lowest terrace. The measurements of the several buildings are indicated on the plan. Together they contain eighty-seven apartments, assuming the parts in ruins to have corresponded with the parts

preserved. The rooms, as usual, are either single or in pairs. An external staircase upon the front and rear sides interrupts the buildings on these sides from the lower terrace to the upper. The dots in the apertures indicate columns, which are found in this and several other structures. In case of attack, the outer quadrangle was not defensible; but its inhabitants could retire to the second terrace above, and defend their fortress at the head of the staircases, which were the only avenues of approach except by scaling the outer quadrangle, a very improbable undertaking.

[Illustration: Fig. 56.—Cross-section through one apartment.]

Attention has been called to this pueblo, which would accommodate two thousand or more persons, for a special reason. It seems to furnish conclusive proof of the manner in which these great edifices were erected in order to construct the peculiar triangular stone ceiling, which is the striking characteristic of this architecture.

To understand the problem, the annexed cross-section of a single room will afford some aid by showing the relations of the walls to the chamber and its ceiling. The chamber, with its vaulted ceiling, was constructed over a solid core of masonry, laid simultaneously with the walls, which was removed after the latter had seasoned and settled. It tends to show that with small stones of the size used, about a foot long and six inches thick, the triangular ceiling as it projected toward the center in rising, required the interior support of a core to insure the possibility of construction by their methods. Once put together over such a core and carried up several feet above the top of the arch, the down weight of the superincumbent mass would articulate and hold the masonry together. It shows further that the essential feature of the arch is wanting in this contrivance.

The proof of this assertion is found in the actual presence of the unremoved core in one of these edifices in all of its apartments. Mr. Stephens found every room of the back building on the second terrace filled with masonry from bottom to top, left precisely as it was when the building was finished. He remarks that "the north half of the second range has a curious and unaccountable feature. It is called the Casa Cerrada, or 'closed house,' having ten doorways, all of which are blocked up on the inside with stone and mortar…. In front of several were piles of stones which they [his workmen] had worked out from the doorways, and under the lintels were holes through which we were able to crawl inside; and here we found ourselves in apartments finished with walls and ceilings like all the others,

but filled up, except so far as they had been emptied by the Indians, with solid masses of mortar and stone. There were ten of these apartments in all, two hundred and twenty feet long and ten feet deep, which thus being filled up made the whole building a solid mass; and the strangest feature was that the filling up of the apartments must have been simultaneous with the erection of the buildings; for, as the filling in rose above the tops of the doorways, the men who performed it never could have entered to their work through the doors. It must have been done as the walls were built, and the ceiling must have closed over a solid mass." [Incidents of Travel, etc., ii, 22.]

It does not seem to have occurred to Mr. Stephens that the masonry within each room was a core, without which a vaulted chamber in this form could not have been constructed with their knowledge of the art of building. It shows the rudeness of their mechanical resources as well as the real condition of the art among them, but at the same time increases our appreciation of their originality, ingenuity, and industry. They were working their way upward experimentally in architecture, as all other peoples have done, having richly earned the right to point with pride to these structures as extraordinary memorials of the progress they had made.

An important conclusion follows, namely, that this "closed house" was the last, in the order of time, erected in this pueblo, and had not been emptied of its core and brought into use when the Spanish irruption forced the people to abandon this pueblo. It would fix the period of its construction at or after A. D. 1520, thus settling the question of its modern date and removing one of the delusions concerning the antiquity of the ruins in Yucatan and Central America. This structure is as much decayed as any other in Yucatan. There are many other structures even better preserved than this.

A brief reference to Palenque will conclude this notice, but without dealing with the facts as fully as they deserve. There are four or five pyramidal elevations at this pueblo quite similar in plan and general situation with those at Uxmal. One is much the largest, and the structures upon it are called the "Palace." It has generally been regarded as the paragon of American Indian architecture. As a palace implies a potentate for its occupation, a character who never existed and could not exist under their institutions, it has been a means of self-deception with respect to the condition of the Aborigines which ought to be permanently discarded. Several distinct buildings are here grouped upon one elevated terrace, and

are more or less connected. Altogether they are two hundred and twenty-eight feet long, front and rear, and one hundred and eighty feet deep, occupying not only the four sides of a quadrangle, but the greater part of what originally was, in all probability, an open court. The use of the interior court for additional structures shows a decadence of architecture and of ethnic life in the people, because it implies an unwillingness to raise a new pyramidal site to gain accommodations for an increased number of people. Thus to appropriate the original court so essential for light and air as well as room, and which is such a striking feature in the general plan of the architecture of the Village Indians, was a departure from the principles of this architecture. Nearly all the edifices in Yucatan and Central America agree in one particular, namely, in being constructed with three parallel walls with partition walls at intervals, giving two rows of apartments under one roof, usually, if not invariably, flat. Where several are grouped together on the same platform, as at Palenque, they are severally under independent roofs, and the spaces between, called courts, are simply open lanes or passageways between the structures. An inspection of the ground plan of the Palenque ruins in the folio volume of Dupaix, or in the work of Mr. Stephens, will be apt to mislead unless this feature of the architecture is kept in mind. There are in reality seven or eight distinct edifices crowded together upon the summit level of the platform. Mr. Stephens speaks of it as one structure. "The building," he remarks, "was constructed of stone, and the whole front was covered with stucco and painted…. The doorways have no doors, nor are there the remains of any…. The tops of the doorways were all broken. They had evidently been square, and over every one were large niches in the wall on each side, in which the lintels had been laid. These lintels had all fallen, and the stones above formed broken natural arches." [Footnote: Central America, &c., ii, 310-312.]

The interior walls in two rooms shown by engravings were plastered over. Architecturally, Palenque is inferior to the House of the Nuns; but it is more ornamental. It also has one peculiar feature not generally found in the Yucatan structures, namely, a corridor about nine feet wide, supposed to have run around the greater part of the exterior on the four sides. The exterior walls of these corridors rest on a series of piers, and the central or next parallel wall is unbroken, except by one doorway on each of three sides and two in the fourth, thus forming a narrow promenade. One of the interior buildings consists of two such corridors, but wider, on opposite

sides of a central longitudinal wall. All the rooms in the several edifices are large. In one of the open spaces is a tower about thirty feet square, rising three stories. The Palenque structures are quite remarkable, standing upon an artificial eminence about forty feet high, and large enough to accommodate three thousand people living in the fashion of Village Indians.

The plan of these houses, as well as of those in Yucatan, seems to show that they were designed to be occupied by groups of persons composed of a number of families, whose private boundaries were fixed by solid partition walls. They are exactly adapted to this mode of occupation, and this special adaptation, so plainly impressed upon all this architecture, leads irresistibly to the conclusion that they were occupied on the communal principle, and were, consequently, neither more nor less than joint-tenement houses, of a model which may be called, distinctively, that of the American aborigines. None of these edifices are as large as those on the Rio Chaco, nor does either of them possess equal accommodations with the Pueblo Bonito, which possessed six hundred and forty rooms. [Footnote: Lieutenant Simpson's Report, Senate Ex. Doc., 1st Sess., 31st Congress, 1850, p. 81.]

But in this warm climate, and with the raised terraces used as gathering places, more persons could manage to live in equal spaces.

Each structure, or group of structures, thus elevated, was a fortress. They prove the insecurity in which the people lived; for the labor involved in constructing these platform elevations, in part, at least, artificial, would never have been undertaken without a powerful motive. One of the chief blessings of civilization is the security which a higher organization of society gives to the people, under the protection of which they are able as cultivators to occupy broad areas of land. In the Middle Status of barbarism they were compelled to live generally in villages, which were fortified in various ways; and each village, we must suppose, was an independent, self-governing community, except as several kindred in descent, and speaking the same dialect or dialects of the same language, confederated for mutual protection. An impression has been propagated that Palenque and other pueblos in these regions were surrounded by dense populations living in cheaply constructed tenements. Having assigned the structures found, and which undoubtedly were all that ever existed, to Indian kings or potentates, the question might well be asked, if such palaces were provided for the rulers of the land, what has become of the residences of the people? Mr.

Stephens has given direct countenance to this preposterous suggestion. [Footnote: Central America, &c., ii, 235.]

In his valuable works he has shown a disposition to feed the flames of fancy with respect to these ruins. After describing the "palace," so called, at Palenque, and remarking that "the whole extent of ground covered by those [ruins] as yet known, as appears by the plan, is not larger than our Park or Battery" [in New York], he proceeds: "It is proper to add, however, that considering the space now occupied by the ruins as the site of palaces, temples, and public buildings, and supposing the houses of the inhabitants to have been, like those of the Egyptians and the present race of Indians, of frail and perishable materials as at Memphis and Thebes, to have disappeared altogether, the city may have covered an immense extent." [Footnote: Incidents of Travel, Central America, Chiapas and Yucatan, ii, p. 355 ff.] This is a clear case of suggestio falsi by Mr. Stephens, who is usually so careful and reliable and, even here, so guarded in his language. He had fallen into the mistake of regarding these remains as a city in ruins, instead of a small Indian pueblo in ruins. But he had furnished a general ground plan of all the ruins found of the Palenque pueblo, which made it plain that four or five structures upon pyramidal platforms at some distance from each other, with the whole space over which they were scattered about equal to the Battery, made a poor show for a city. The most credulous reader would readily perceive that it was a misnomer to call them the ruins of a city; wherefore the suggestions of Mr. Stephens, that "considering the space now occupied by the ruins as the site of palaces, temples, and public buildings, and supposing the houses of the inhabitants made … of frail and perishable materials to have disappeared … the city may have covered an immense extent." That Mr. Stephens himself considered or supposed either to be true may have been the case, but it seems hardly supposable, and in either event he is responsible for the false coloring thus put upon those ruins, and the deceptive inferences drawn from them.

These structures are highly creditable to the intelligence of their builders, and can be made to reveal the manner of their use and the actual progress they had made in the arts of life; but they never can be rationally explained while such wild views are entertained concerning them. Until the actual character and signification of these ruins are made known, such opinions may be expected to prevail concerning them. They spring from the assumed existence of a state of society far enough advanced to develop potentates

and privileged classes, with power to enforce labor from the people for personal objects. There is no evidence whatever in support of such an assumption. It is quite probable that small numbers belonging to every pueblo lived a portion of the year in the forests in temporary habitations, engaged in cultivation, or in hunting and fishing; but enough is known from the brief accounts of the early explorers to show us that the body of the inhabitants of Yucatan and Central America were gathered in pueblos or villages. Moreover, they were animated by the same spirit as the Cibolans in what related to personal independence. Rather than live in subjection to Spanish taskmasters, the very Indians who erected these houses with so much labor, as Coronado states of the Cibolans, "Set in order all their goods and substance, their women and children, and fled to the hills, leaving their towns, as it were, abandoned," [Footnote: Herrera, History of America, iii, 346, cf. 348.] preferring a return to a lower stage of barbarism rather than a loss of personal freedom. In 1524 Cortex sent an officer "to reduce the people of Chiapas, who had revolted, which that commander effectually performed, for, when they could resist no longer, these desperate wretches cast themselves with their wives and children headlong from precipices, so that not above two thousand of them remained, whose offspring inhabit that province at this time." The inhabitants of Palenque may have been included in this description. [Footnote: ib., iv, 169.]

The profiles of the Palenque Indians, copied by Stephens from representations in plaster in different parts of the several structures, show that they were flat-heads, like the Chinook Indians of the Columbia River; their foreheads having been flattened by artificial compression. Herrera, speaking generally of the inhabitants of Yucatan, remarks, "that they flattened their heads and foreheads." [Footnote: ib., iv, 169.] Whether it was a general practice does not appear, aside from the Palenque monuments, and the off-hand statement of Herrera.

Another important question still remains, namely, whether or not the Indians of Yucatan and Central America had reached the first stage of scientific architecture, the use of the post and lintel of stone as a principle of construction in stone masonry. The Egyptians used the post and lintel, whence their architecture has been characterized as the horizontal. The Greeks did not get beyond this, although they brought in the three orders of architecture. The round and the pointed arch, used as principles of construction, with all they gave to architecture, were beyond even the

Greeks. Speaking of the Governor's House, Mr. Stephens remarks, that "the doors are all gone, and the wooden lintels over them have fallen." [Footnote: Incidents of Travel in Yucatan, i, 175.]

"In some of the inner apartments, the lintels were still in place over the doorways, and some were lying on the floor, sound and solid, which latter condition was no doubt owing to their being more sheltered than those over the outer doorway." [Footnote: ib., p. 178.] The same is true of the House of the Nuns, and of a number of other structures figured and described in Mr. Stephens' works. But lintels of stone are found in some houses. Thus, of one of the buildings at Kabah, he says: "The lintels over the doors are of stone." [Footnote: ib., i, 398.]

In this case there was a stone column in the middle of the doorway, and the lintel was in two sections. Norman, speaking of the ruins at Chichen Itza, remarks that the "doorways are nearly a square of about seven feet, somewhat resembling the Egyptian; the sides of which are formed of large blocks of hewn stone. In some instances the lintels are of the same material." [Footnote: Rambles in Yucatan, p. 128.]

They used sapote wood usually for lintels, a wood remarkable for its solidity and durability. It may safely be said that the lintel of wood was the rule in Yucatan, and not the exception. While they understood the use of the stone lintel, which alone was capable of affording a durable structure, its common and ordinary use was beyond their ability. The use of stone of the size required, overmatched their ability in stone masonry, as a rule. It cannot, therefore, be said that the post and lintel of stone became a principle of construction in their architecture. As the Mayas, who constructed these edifices, were in the Middle Status of barbarism, it was not to have been expected that their architecture would reach the scientific stage.

American aboriginal history and ethnology have been perverted, and even caricatured in various ways, and, among others, by a false terminology, which of itself is able to vitiate the truth. When we have learned to substitute Indian confederacy for Indian kingdom; Teuchtli, or head war-chief, sachem, and chief, for king, prince, and lord; Indian villages in the place of "great cities"; communal houses for "palaces," and democratic for monarchic institutions; together with a number of similar substitutions of appropriate for deceptive and improper terms, the Indian of the past and present will be presented understandingly, and placed in his true position in the scale of human advancement. While the Aryan family has lost neatly all

traces of its experiences anterior to the closing period of barbarism, the Indian family, in its different branches, offered for our investigation not only the state of savagery, but also that of both the opening and of the middle period of barbarism in full and ample development. The American aborigines had enjoyed a continuous and undisturbed progress upon a great continent, through two ethnical periods, and the latter part of a previous period, on a remarkable scale. If the opportunity had been wisely improved, a rational knowledge of the experience of our own ancestors, while in the same status, might have been gained through a study of these progressive conditions. Beside this, before a science of ethnology applied to the American aborigines can come into existence, the misconceptions, and erroneous interpretations which now encumber the original memorials must be removed. Unless this can in some way be effectually accomplished, this science can never be established among us.

Our ethnography was initiated for us by European investigators, and corrupted in its foundation from a misconception of the facts. The few Americans who have taken up the subject have generally followed in the same track, and intensified the original errors of interpretation until romance has swept the field. Whether it is possible to commence anew, and retrieve what has been lost, I cannot pretend to determine. It is worth the effort.

Finally, with respect to the condition and structures of the Village Indians of Yucatan and Central America, the following conclusions maybe stated as reasonable from the facts presented:

[Transcriber's Note: Lengthy footnote relocated to chapter end.]

First: That the Family among them was too weak an organization to face alone the struggle of life, and therefore sheltered itself in large households, composed probably of related families.

Second: That they were probably organized in gentes, and, as a consequence, were broken up into independent tribes, with confederacies here and there for mutual protection; and that their institutions were essentially democratic.

Third: That from the plan and interior arrangement of these houses the practice of communism in living in households may be inferred.

Fourth: That the people were Village Indians in the Middle Status of barbarism; living in a single joint-tenement house or in several such houses grouped together, and forming one pueblo.

Fifth: That hospitality and communism in living were laws of their condition, which found expression in the form of the houses, which were adapted to communism in living in large households.

Sixth: That all there ever was of Uxmal, Palenque, Copan, and other pueblos in these areas, building for building, and stone for stone, are there now in ruins.

Seventh: That nothing herein stated is inconsistent with the supposition that some of these structures were devoted to religious uses.

Finally: That a common principle runs through all this architecture, from the Columbia River and the Saint Lawrence, to the Isthmus of Panama, namely, that of adaptation to communism in living.

When we attempt to understand the "Palace at Palenque" or the Governor's House at Uxmal, as the residences of Indian potentates, they are wholly unintelligible; but as communal joint-tenement houses, embodying the social, the defensive, and the communal principles, we can understand how they could have been created, and so elaborately and laboriously finished. It is evident that they were the work of the people, constructed for their own enjoyment and protection. Enforced labor never created them. On the contrary, it is the charm of all these edifices, roomy, and tasteful and remarkable as they are, that they were raised by the Indians for their own use, with willing hands, and occupied by them on terms of entire equality. Liberty, equality, and fraternity are emphatically the three great principles of the gens, and this architecture responds to these sentiments. And it is highly creditable to the Indian mind that while in the Middle Status of barbarism they had developed the capacity to plan, and the industry to rear, structures of such architectural design and imposing magnitude.

I have now submitted all I intended to present with respect to the house architecture of the American aborigines. It covers but a small part of a great subject. As a key to the interpretation of this architecture, two principles, the practice of hospitality and the practice of communism in living, have been employed. They seem to afford a satisfactory explanation of its peculiar features in entire harmony with Indian institutions. Should the general reader be able to acquiesce in this interpretation, it will lead to a reconstruction of our aboriginal history, now so imperatively demanded.

[Relocated Footnote: Whether the Indian tribes of any part of North America had learned to quarry stone to use for building purposes, is still a question. In New Mexico there is no evidence that they quarried stone.

They picked up and used such stones as were found in broken masses at the base of cliffs, or as were found on the surface and could be easily removed from their bed. In Central America, if anywhere they must have quarried stone, in the strict sense of this term, but as yet there is no decisive evidence of the fact. It will be necessary to find the quarries from which the stones were taken, with such evidence of their having been worked as these quarries may exhibit. The stones used in the edifices in Yucatan and Central America are represented as a "soft coralline limestone," and, in some cases, as in that of the Copan Idols, so called, of a "soft grit stone." It requires the application of more than ordinary intelligence and skill to quarry stone, even of this character. The native tribes had no metals except native copper gold and silver, and these were without the harness requisite for a lever or chisel; and they had no explosives to use in blasting. Other agencies may have been used. We find the stone lintel for the doorway beyond their ability for ordinary use, and that for the want of it, they were unable to erect permanent structures in stone. The art of quarrying stone is gained by mankind before civilization is gained, but it must commence in rude form before more effective means are discovered through experience. If any of the American Indian tribes had advanced to this knowledge, and possessed the skill and ability to quarry stone, it is important that the fact should be established, and that they should have credit for the progress in knowledge implied by this skill and ability. Dressed stone from the walls at Uxmal, Palenque, and elsewhere in Yucatan and Central America should be proved by applying the square to find whether a level surface and a true angle were formed upon them. It should also be ascertained whether the walls are truly vertical, and also whether they had learned to make a mortar of quicklime and sand. Before our adventurous writers use in connection with our native tribes and their works such terms as "civilization, great cities, palaces, and temples," and apply such imposing titles as "king, prince, and lord" to Indian chiefs, they should be prepared to show that some at least of their tribes had learned the use of wells and how to dig them, and how to quarry stone, to prepare a mortar of lime and sand; to form a right angle and a level face upon a stone, and lay up vertical walls. These necessary acquisitions precede the first beginnings of civilization.